

Kant and Well-being

*Exploring Kant's moral philosophy from the
perspective of the Capabilities Approach*

Lars-Petter Pedersen



MA Thesis in Philosophy at IFIKK, HF

Supervisor: Reidar Maliks

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Abstract

Regarding human well-being Kant is explicit in his rejection of it as a source of moral obligations or moral goodness. Well-being, Kant writes, is a reference to sensible agreeableness and gratification that is empirically contingent states and preferences that cannot *in itself* merit any moral worth or obligations. The will as good in itself is not only considered the only unlimited good but also the condition of any other good, even of well-being.

Well-being as comfort, pleasure, welfare, happiness or other considerations of our sensible needs and preferences is what I will call a *narrow* use of the term well-being, and in this essay I am still holding the Kantian conclusion that any kind of well-being in this regard cannot constitute moral value, obligate us to action or determine our will. On the other hand there is what I will call a *wide* use of the term where well-being is to be understood as "wellness of what constitutes our very being", using the term well-being in its most wide and literal sense. This wide use of the term is inspired from Amartya Sen's Capabilities Approach, and while Kant himself did not use well-being in this way I will argue that this concept fits perfectly with his moral doctrine, helping us to understand Kant better and to place his moral theory closer to other theories that has well-being and human flourishing at its core. In this essay I will approach Kant's moral philosophy by assessing it from a perspective of what, on his account, is constitutive of the human condition and subsequently how we are to evaluate the success, quality, or "well-ness" of a human being in virtue of how individuals live up to this standard.

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Introduction

In this paper I want to argue for a reading of Kant's moral philosophy where I am placing it within a context of well-being as "wellness of what constitutes our very being", using the term well-being in its most wide and literal sense. I will approach Kant's moral philosophy by assessing it from a perspective of what, on his account, is constitutive of the human being and subsequently how we are to evaluate the success, quality, or "well-ness" of a human being in virtue of how individuals live up to this standard. Initially, arguing that Kant's moral theory could be read in terms of well-being might seem like a ludicrous attempt as Kant is very explicit in his rejection of giving human well-being a role or any importance in his moral philosophy. However, my project is not meant to argue on Kant's usual use of the term. Well-being as comfort, pleasure, welfare, happiness or other considerations of only our sensible needs and preferences is what I will call a *narrow* use of the term, which will be denoted as well-being^N from this point on, and I am still holding the Kantian conclusion that any kind of well-being in this regard cannot constitute moral value, obligate us to action or determine our will. On the other hand there is what I will call a *wide* use of the term, which will be denoted as well-being^W from this point on, which is the one I was describing at the very beginning of this introduction. In his book *Inequality Reexamined* Amartya Sen writes that "the well-being of a person can be seen in terms of the quality (the 'well-ness', as it were) of a person's being", so if we make an attempt to identify what constitute "being a person" or "being a human being" then "an evaluation of well-being has to take the form of an assessment of these constitutive elements."¹ Well-being^W is then arguing what is constitutive of being a human being, and "more well-being" means a higher quality, or success, of living up to the standard of what it is to be human. Conversely terms like dehumanization, deprevation and degrading regarding morality and humanity are terms that describe a loss of the quality or success of living up to mentioned standard.

I am taking inspiration from this idea and definition of well-being from Sen and thus want to test Kant's moral theory by reading and interpreting his moral writing within this conceptual approach. As opposed to the narrow use of the term that we find in Kant well-being^N is not limited to just the sensible considerations of our existence, meaning we can include Kant's arguments and discourse on pure reason, autonomy and the good will as intrinsic elements of what it means to be human and what kind of life this will lead us to.

¹ Sen, Amartya. 1992. *Inequality Reexamined*. New York: Russell Sage Foundation, p.39

Further, as human well-being^W cannot be sufficiently assessed simply as pure reason I think this approach also will be a good and useful way to turn attention to the Kantian doctrine of virtue and how, as rational animals, we are to relate to-and cultivate our sensible aspect through autocracy. By doing this I believe we can easier acknowledge and appreciate both the binding force and the applicability of Kant's moral theory in our everyday lives; an applicability that it has so many times been accused of neglecting. Kant's moral framework is famously known as being deontological, or duty ethics, and while I am not challenging this classification I do believe that the traditional separation of duty ethics and virtue ethics are not, at least in Kant's case, warranted. It tends to turn the attention away from Kant's writing about moral character and the importance of cultivating ourselves both as a rational *and* as a sensible being, aspects of his theory which is amply overlooked when criticized but that is essential to understand a more complete picture of Kant's moral philosophy. I will thus also argue that for Kant virtue is the active project of realizing the human nature in accordance with duty, making virtue a central concept regarding well-being^W.

I believe that looking at Kant's moral theory in terms of well-being^W (or human flourishing, which I take to be interchangeable terms) can provide a useful approach when reading and discussing Kant to 1) reject common criticism of Kant's moral philosophy that I find to be either misplaced or based on a shallow and inadequate reading of Kant, 2) to better understand both the necessity and the applicability of Kant's ethics as duty to the moral law in both our character and our everyday social lives and, perhaps most importantly, 3) to show how Kant can meet many of the considerations and worries that theories of well-being and human flourishing are meant to cover, theories that traditionally are considered as competing and incompatible with the Kantian framework.

To help make this assessment of Kant's moral theory in term of well-being^W I will be using the Capabilities Approach as presented by Amartya Sen and Elizabeth Anderson to help guide the discourse. I will be identifying what I take to be some important similarities between this approach and my reading of the Kantian moral framework and, of course, also highlight how they differ. The central comparisons will be the metaphysical assessment of what constitutes being a human being, well-being and its normativity in terms of living up to their respective assessments of mentioned constitutive elements and having the capabilities and efficacy to pursue and achieve said well-being.

As the Capabilities Approach is a theory of social justice it would initially seem more intuitive to compare it to Kant's doctrine of rights. However my interest in this paper is to defend Kant's *moral* framework by arguing for a reading of it through the concept of *well-*

being, of a constitutive standard of our very being where our "wellness" is an assessment of how well we live up to this standard, and for this purpose I find the Capabilities Approach useful to guide the discussion as the concept of well-being^W is inspired from this approach. I believe that this concept of well-being will not only help revealing the more attractive features of Kant's moral framework - features which I think can easily meet some of the most serious criticisms toward his moral theory - but that it also will make the theory easier to grasp in general. Because of this I think it will be helpful to review and identify similarities with a theory that already has such a concept at its core, meaning that I am not primarily intending to compare the two theories but rather present the Capabilities Approach to help the discourse, showing how Kant's moral theory compares on what is initially believed to be a competing and incompatible conceptual area. In the end this paper is about reading and defending the moral doctrine of Kant.

If we are to identify a plausible reading of Kant's moral philosophy in terms of well-being^W and capabilities to further pursue and achieve well-being^W - a reading that will not only show Kant's moral philosophy as compatible with theories that emphasizes well-being and human flourishing but that it also will be a strong and capable challenger to them on their own field - then we firstly need to be able to make an account of well-being in terms of what a human life *is*, of what constitutes our very being and the lives we live. Second we need to make an account of having capabilities to pursue well-being that is connected to our constitutive elements, meaning it represents having real opportunities in one's own agency that is also constitutive of what we are and so is also normative to us. Third and lastly we have to establish these elements within the normative foundation of Kant, showing that they are not only permissible according to Kant's moral framework but that they are *constitutive* of what he argues to be our moral obligations. I believe that these three criteria - which are criteria in reference to the Capabilities Approach as the guide to assess Kant in terms of well-being^W - are not only possible but that they are a necessary and fundamental part of Kant's moral framework. Kant only presented it differently with a more comprehensive, metaphysical account of how and why it is normative. I intend to approach these three criteria in the following way:

I will use Chapter 1 to establish the relevant academic discussion for my project. There I will review the Capabilities Approach as it is presented by Sen and Anderson to identify its main features and normative foundation. I will then take a look at the initial challenges and criticisms aimed at Kant's moral philosophy, both in view of its (allegedly) incompatibility with the conceptual framework of the Capabilities Approach and of its

criticism in general. I will then take a quick look at some of the defenders of Kant and their arguments that refute the previously mentioned criticisms, explaining how the influence of these philosophers lead me to attempting this project in the first place and how it opens up for a plausible account of reading and placing Kant within a context of well-being^w. As this short, introductory rejection of the criticisms of Kant is only ment to establish the discussion and current positions I will use the chapters that follow to make a more complete account and defence of Kant' moral philosophy, building on the work of the philosophers that I refer to in this chapter.

In Chapters 2 and 3 I will undertake the concept of well-being in general and argue how this can fit with the Kantian moral framework and conception of what it means to live a human life. The central themes will be to argue how well-being^w can be constituted by a living thing's *function*, or *internal organization*, which is what describes that particulars being's form of life. By establishing a normative standard through function, that good and bad are measured in virtue of the quality or success of living up to what characterizes one's particular kind of life, I will move on to argue that while the human being is both a rational and a sensible being where both aspects can be regarded as having their own constitutive standards viewed in isolation we are better understood as *supersensible beings*. For a supersensible being reason and sensibility is not seperate but rather asymmetrically intertwined, making out a singel existence that is constituted by the categorical imperative. The categorical imperative, I will argue, will turn out to be the standard in which we will be able to assess well-being^w and so goodness and badness in human beings.

Chapters 4 and 5 will be building on the arguments of chapter 2 and 3 by focusing on Kant's account of virtue and the comparison of capabilities to pursue and achieve well-being on the one hand and the Kantian conception of *autocracy* on the other. As I wrote above I believe that virtue is a key concept in Kant. When we look beyond the metaphysics of what morality is and start to apply it in everyday life Kant's morality quickly becomes one of virtue, focusing not merely on the form of our maxims but also our efficacy and character to apply them in the sensible world. I will also argue the main differences between capabilities from the Capabilities Approach and the Kantian concept of autocracy, of why there is important that we are capable in certain respects, the scope of this and how we are obligated to promote said capabilities and autocracy. I will further argue why the moral condition of supersensible beings is rightly described as duty and self-limitaion and, even though morality is primarily a doctrine of duties to oneself we still are, in virtue of the universality of the will, subjected to the objective lawfullness of maxims also in interaction with others. All rational

beings are connected in virtue of being rational, in virtue of lawfulness, meaning that there will also be certain duties of virtue that lead us to promoting capabilities and well-being^w not only in ourselves but also in others.

The third and last criteria, to establish well-being^w and capabilities within the familiar normative foundation of Kant, will be answered while making the first two accounts as both topics will be argued for in terms of duty, the good will and universal law.

1. Reviewing relevant literature and introducing my project

1.1 Sen and Anderson's Capabilities Approach

As mentioned in the introduction I find it useful to present a general overview of the Capabilities Approach before taking a closer look at Kant. In that way we can compare the core arguments and features of both moral frameworks and thus assess how they are similar and how they are divided in terms of well-being^W. The purpose is that it paves the way for reading Kant in terms of well-being as "wellness of what constitutes our very being" by familiarizing ourselves with another theory that use this conceptual approach.

In his book *Inequality Reexamined* Amartya Sen is aiming at assessing the concept of equality and an approach to meet its normative problems. He states that the central question of equality is "equality of what?"² When considering how diverse human beings can be both individually and with the many variables of social and political factors of which equality can be judged the term equality becomes a complex question of normativity. His approach to this central question is through what he calls "the capability perspective", which can primarily be viewed as a doctrine of political philosophy that takes *freedom* and *well-being* as its normative core, where *well-being* and *freedom to pursue well-being* is central and will be constitutive of how we are to promote moral equality.³ He writes that the well-being of a person can be seen in the quality of the person's being, his or her "well-ness", and living could be seen as consisting of a set of interrelated "functionings", which is different ways of us *being* and *doing* what we are as humans. Relevant functionings can vary from elementary things such as being adequately nourished, being in good health and avoid escapable morbidity to more complex achievements such as being happy, having self-respect, taking part in community life and so on.⁴ It is then not only sensible needs associated with our body that matters but also mental needs and activities. Sen's claim is that functionings are *constitutive* of a persons very being, it makes us *who* and *what* we are as humans, and an evaluation of well-being has to take the form of an assessment of these fundamental elements. In other words, functionings make up what a human life is, and so to be robbed or deprived of these functionings is to robb and deprave us of what makes us human.

² Sen, *Inequality Reexamined*, p.1

³ Sen, *Inequality Reexamined*, p.39

⁴ Sen, *Inequality Reexamined*, p.39

Closely related to functionings is *capability* to function, which represents various combinations of functionings (beings and doings) that a person *can* achieve. Capability thus reflects a person's freedom to lead one type of life or another, meaning that increased capability is an increased scope of being able to both choose and realize how to live your life, to *be* who you want to be and to *do* what you want to do. So, while "eating to be nourished" is a functioning, the *real opportunity* to get and consume nourishing food is a corresponding capability. For Sen capabilities and freedom is then closely related in this approach as capabilities represents the scope of opportunities in our own agency to pursue and achieve well-being.

Sen further writes that the relevance of a person's capability to his or her well-being arises from two distinct yet interrelated considerations. First, if achieved functioning constitutes a person's well-being then the *capability to achieve* functionings (all the alternative combinations of functionings a person can choose to have) will constitute the person's *freedom as real opportunities* to have well-being.⁵ Naturally, a person's "well-being freedom" to achieve functionings will be of moral significance if our functionings are constitutive of our very being and so it's well-being. Secondly, well-being and capability is, in many cases, directly linked as choosing in itself is a way of well-being, such as when genuine choice with real options makes a richer life, or that to be a responsible, independent person can be linked to self-respect. Capabilities not only reflect a person's freedom to pursue constitutive elements of living but also play a direct role in well-being itself.⁶ This argument has intuitive force as thinking for ourselves, making choices and taking pride and value in being independent are familiar and typical human activities. If we regard this as typical, or constitutive, of human living then the quality of this will matter for our well-being. Capabilities then reflect a person's freedom, or actual ability, to pursue these constitutive elements of our being.⁷

It is important to note the difference between well-being and welfare in this discussion. For instance, an approach could be to promote welfare that is instrumental to yield certain good outcomes, but the focus on well-being in the Capabilities Approach promotes "beings and doings" as important in themselves.⁸ The primary claim is that in evaluating well-being the value-objects are functionings and capabilities, not just the

⁵ Sen, Inequality Reexamined, p.40

⁶ Sen, Inequality Reexamined, p.41

⁷ Sen, Inequality Reexamined, p.42

⁸ Sen, Inequality Reexamined, p.43

achievements or alternatives independent of how they came into being.^{9 10} It is the freedom in itself that is of significance. The value is in *doing* and *being* what we *are*. In so far as functionings are constitutive of well-being, capability represents a person's freedom to achieve well-being.¹¹ Thus, simply providing people with different social or material goods is not sufficient unless it is to secure the minimum required for them to be capable of pursuing their own well-being.

Another philosopher I want to include regarding the Capabilities Approach is Elizabeth Anderson as some of the points she raises will further illuminate features of the Capabilities Approach that will be useful to be aware of when assessing Kant in the context of well-being^W.

In her paper *What is the Point of Equality?* Anderson argues for what she calls "democratic equality". Democratic equality seeks to guarantee all law-abiding citizens effective access to the social conditions of their freedom at all times, where claims of Justice are in virtue of people being equals, not superiors or inferiors. The fundamental aim is to *secure* everyone's freedom, and so the principles of democratic equality cannot presume to tell people how to use their opportunities nor to judge how responsible people are for choices that lead to unfortunate outcomes.¹² She writes that egalitarian theory has its origin from an idea of intrinsic worth, where oppression and social relations that discriminate, suppress, subjugate, exploit and/or dominate others in a hierarchy of value is unjust. Inequality is unjust not so much because of unequal distribution of goods but of relations of inferior and superior persons. Egalitarian theory rejects such social structures and attitudes as it asserts that all persons are of equal moral worth.¹³ I believe Sen also shares this view of intrinsic worth, that our functionings is what constitutes what we *do* and *are* and so is equally normative for every human being. Democratic equality is then aiming for everyone to live in a community where collective self-determination by open discussion among equals is the norm, not a hierarchical one where some have to bow and scrape before others as inferiors as a condition to have their claims heard.¹⁴

Freedom is here strongly related to equality as living a free life is to live in a relation of equality with others, so to live in an egalitarian community is then to be free from

⁹ Sen, *Inequality Reexamined*, p.46

¹⁰ Sen, *Inequality Reexamined*, p.51

¹¹ Sen, *Inequality Reexamined*, p.49

¹² Anderson, Elizabeth S. *What is the Point of Equality?* in *Ethics*, Vol. 109, No. 2 (Jan., 1999), p.289

¹³ Anderson, *What is the Point of Equality*, p.312

¹⁴ Anderson, *What is the Point of Equality*, p.313

oppression to participate and to enjoy the goods of society and democratic self-government. Freedom is not just "doing what you want without asking permission or being interfered with" but is concerned with having the *means* to do what one wants to do and to be in a social relation with others that can make activities that are intrinsically collective, such as political life, possible.¹⁵ My interpretation of this is that without the means in our own person, or in other words without capabilities, we are not truly free in any meaningful way and thus we ought to promote-and facilitate for capabilities. This interpretation is supported when Anderson continues on the concept of capabilities. A person's capabilities consist of the sets of functionings that a person can achieve given the personal, material and social resources available. Capabilities measure not actually achieved functionings but a person's *freedom to achieve* valued functionings. More freedom means a greater range of effectively accessible, different opportunities that a person has for functioning or leading a life that the person values the most. The egalitarian aim, Anderson writes, should then be to aim for everyone to be secured the social conditions of their freedom in terms of capabilities.¹⁶

A problem that arises in this approach is to identify which capabilities society have an obligation to equalize and facilitate for, but I will not undertake this question as the scope of this paper will be how Sen and Kant can argue for the normativity of capabilities and well-being and what the content and consequences of these concepts will be. What is of main interest here is the Capabilities Approach's claim that to be capable to function as a human being it requires effective access to the means of sustaining ones biological existence, such as food, shelter, clothing and medical care; access to basic conditions of human agency such as knowledge of one's circumstances and options, the ability to deliberate about means and ends and the psychological conditions of autonomy, including the self-confidence to think and judge for oneself and to have freedom of thought and movement. Further, Anderson writes that to have access to means of production, education and freedom of occupational choice is important to function in a social community in any meaningful way.¹⁷ These are all regarded as morally valuable instances because our functionings and so capabilities are constitutive of our very being, of what we fundamentally *are* and *do*, and human beings have intrinsic worth as what we are. Well-being and the normativity of well-being and freedom to pursue well-

¹⁵ Anderson, What is the Point of Equality, p.315

¹⁶ Anderson, What is the Point of Equality, p.316

¹⁷ Anderson, What is the Point of Equality, p.317-318

being is based on this, so what we ultimately owe one another in this approach is the social conditions that secure the freedoms people need to function as equal citizens.¹⁸

1.2 Initial challenges and criticisms

While neither Sen nor Anderson explicitly argues against Kant the Capabilities Approach is usually seen as having a fundamentally different set of values and considerations than that of Kant's moral framework and is so seen as a competing and incompatible moral theory. If we were to only read Kant's *Groundwork of the Metaphysics of Morals* in particular, which is his most known and read text on morality, this can seem like a very safe claim indeed.

Firstly we can identify that both theories place freedom as a central value but they have a very different approach to what it is. In the Capabilities Approach freedom is about having real opportunities to pursue and achieve well-being. As freedom is connected to capabilities (which in turn is combinations of functionings) freedom is contingent on different physical and psychological needs and dispositions that we need to meet in order to promote and respect well-being. Since these needs and dispositions is also intrinsic of our well-being freedom itself becomes a part of our well-being. Reading the *Groundwork* Kant argues for freedom as being autonomous, meaning that as rational beings we are to determine our will independent of the causes of the (sensible) world.¹⁹ For Kant the sensible world and the animal nature of human beings are not only rejected as a source of normativity but are also seemingly viewed as distractions of morality, competing with reason for our determination and so possibly making us immoral. For many readers this Kantian account is not satisfactory as it seems unrealistic or at least impractical to be guided in this way. It is also deemed insufficient because sensible needs do seem to be a fundamental characteristic of what we are and so need to be a part of how we are to be guided and how we are to assess the well-being of humans. This is a serious criticism that Kantian defenders need to answer, one that I will take a closer look at shortly.

Further, as I just touched upon, they seem to strongly disagree on the source of normativity even though they share an idea of intrinsic value. Kant explicitly writes that the ground for obligation must not be sought in the (sensible) nature of the human being or in the circumstances of the world in which he is placed.²⁰ While our judgement may be sharpened

¹⁸ Anderson, What is the Point of Equality, p. 320

¹⁹ Kant, Immanuel, and Mary J. Gregor. 1998. *Groundwork of the Metaphysics of Morals*. Cambridge: Cambridge University Press, 4:453

²⁰ Kant, *Groundwork of the Metaphysics of Morals*, 4:389

by experience the moral law, to be a moral law at all, must be from a priori pure reason. This is where morality and any normativity can come from and it is from this rational aspect that intrinsic and absolute worth is derived; as rational beings we have an inviolable dignity. Any considerations of sensible well-being is thus rejected as a source of moral worth. On the other hand, Sen and Anderson place intrinsic value in well-being where "well-ness" is an assessment, or evaluation, of the constitutive elements of what we *are* and *do* when living our lives, placing their approach very clearly in our sensible nature and the circumstances of the world that affects us.

Similar observations and subsequent objections from readers of Kant's *Groundwork* are in abundance, where the interpretation and criticism is often that considerations of well-being and human flourishing are not even compatible with the Kantian conception of morality that rather values duty to principles of reason and straight out rejects sensibility, making it a moral theory that promotes inauthentic and impractical human behaviour. One such criticism comes from Michael Stocker. His example is that you are being visited by a friend while you are hospitalized, believing that he is a genuine friend who cares. You later realize that he is simply visiting you because he literally thinks it is his duty.²¹ The objection is that Kantian morality demands that we aim at our duty, not the actual person. The demands of duty alienates us from each other and it promotes attitudes of friendship that undermine it. Duty is understood as demanding that we detach ourselves from the needs and states of particular others and to only being concerned with "doing what's right" as some sort of morality robots devoid of any feeling or caring for others.

Another example is that raised by Bernard Williams, where a man chooses to save his wife from drowning when faced with a situation that forces him to choose between rescuing his wife or a stranger. The objection is that the husband has to justify rescuing his wife, demanding "one thought to many" of him to assess that it is permissible to save his own wife in this kind of situations.²² This implies that your choice to save your wife should be obvious and not subject to criticism or being a position you should defend given your relationship as a married couple. Even though the situation is tragic, particularly for the unfortunate drowning stranger, to value the well-being of your spouse should intuitively be a priority, not to be coldly concerned about what is right or wrong independent of whom it is concerned. Such

²¹ Stocker, Michael, "The Schizophrenia of Modern Ethical Theories" *Journal of Philosophy* 73 (1976): 453-66

²² My first encounter with the examples of Stocker and Williams and the assessments of them is thanks to Ann Margaret Baxley's "Kant's Theory of Virtue", and also Marcia Baron's "Kantian Ethics Almost Without Apology" in the case of Stockers.

detachment from familiar human relationships that we deem valueable and intrinsic of our lives just seem impossible and absurd to demand of us.

In Kant's own time Friedrich Schiller interpreted Kant's ethics to suggest that to be moral by acting according to duty we have to be averse to doing the necessary action. If we were unfortunate enough to like doing what morality would demand of us then the action would not have genuine moral value.²³ If this is the case then Kantian morality could not possibly value well-being and capabilities regarding sensible needs as it would explicitly reject any motivation of human emotions, inclinations or needs. It would seem to make moral life very strange indeed as you could for instance only eat or drink when you don't feel the need for it, or else you would have an inclination and so could not morally endorse it. Would you be unlucky enough to become hungry the moral thing to do would seem to be starvation, which would not be a very practical or motivating moral doctrine for anyone.

Further, feminist writers have also criticized Kantian moral philosophy to focus too much on blind duty and not enough on human needs and interdependent relationships that our well-being and flourishing depends on. The scenario of horror for the care ethicists, which characterizes much of the criticism of ethics based on "blind duty" and principles, is that of the biblical Abraham who in obedience to God was willing to sacrifice his son Isaac.²⁴ The paradox, Nel Noddings writes, is that duty can demand of us to do something unethical, like giving up our own child. "Here, says women, is my child. I will not sacrifice him for God, or for the greatest good, or for these ten others. Let us find some other way."²⁵

In a similar feminist criticism Tove Pettersen writes that within the framework of deontology an agent must do what is mandatory and cannot do what is prohibited, even if it results in harming others as most weight is given to avoiding breaking (abstract) rules.²⁶ From the perspective of deontology, she writes, it is even possible that inflicting harm is encouraged in order to conserve the moral rule.²⁷

What seems to be shared in all these criticisms is that Kantian moral philosophy is centered around duty and principles as being absolute, independent of context, personal relationships or personal preferences of a good life. This is deemed insufficient or simply

²³ Baxley, Anne Margaret. 2010. *Kant's Theory of Virtue*. Cambridge: Cambridge University Press, p.30

²⁴ Noddings, Nel. 2013. *Caring: A Relational Approach to Ethics & Moral Education*. University of California Press, p.43

²⁵ Noddings, Caring, p.44

²⁶ Pettersen, Tove. 2008. *Comprehending Care: Problems and Possibilities in the Ethics of Care*. Lanham, MD: Lexington Books, p.120

²⁷ Pettersen, *Comprehending Care*, p.121

impractical as it distances us from real life challenges and relations and is encouraging us to inauthentic and blind behaviour distanced from our natural human needs and intuitions. This accusation of being distanced from actual needs and being inauthentic human behaviour not only makes a strong case for dividing moral theories of well-being, such as the Capabilities Approach, from Kantian morality but also challenges Kantian defenders to show how Kant's moral framework can meet these considerations and attitudes that so many of us deem intrinsic to morality. So, if the results of Kant's moral theory based on pure reason and duty do lead to a rejection of our sensible aspect and the needs that come with it then this essay would be a rather futile project. Fortunately, these readings and interpretations of Kant are not necessarily adequate and might even give a wrong or at least misguided impression of its metaphysical constitution, core arguments and what it all entail.

1.3 Initial rejection of the challenges and criticisms

The idea that first led me to this project was that there seemed to be an intuitive similarity between capabilities as having real opportunities in ones own agency and Kantian virtue as *autocracy*. The best way to characterize the difference between autonomy and autocracy, according to Kantian defender Ann Margaret Baxley, is that autonomy is the legislative power, the one that *makes* good maxims while autocracy is the executive power, the one that *enforces* and *enacts* the maxims²⁸ rendering the agent efficacious and so consistent as both a willing and an acting agent that can make changes in the world as a cause. It is not enough to only know what is good and right and to make a decision based on this; we also have to be able to act on it and be a cause in the empirical world. In the Doctrine of Virtue Kant explicitly writes that we have a duty to cultivate our natural powers of spirit, body and mind as means to all sorts of possible ends, owing to ourselves not to stay idle and "rust away" our natural predispositions and capacities that our reason can someday use.²⁹ Even though Kant claims that we cannot derive the *source* of normativity from the human sensible nature or the circumstances of the world that we are situated in these are still important normative considerations. After all, the world that we are situated in *is* the world in which we act, and so *what* we do and *why* we do it must be in reference to these circumstances. Kant did not forget or tried to deny this.

²⁸ Baxley, Kant's Theory of Virtue, p.59

²⁹ Kant, Immanuel, Mary J. Gregor, and Roger J. Sullivan. 1996. *The Metaphysics of Morals*. Cambridge: Cambridge University Press, 6:444

In a related subject Christine Korsgaard writes that conformity to the categorical imperative is what renders us autonomous while conformity to the hypothetical imperative is what renders us efficacious.³⁰ Both principles together are necessary for us if we are to be acting at all because they both are constitutive principles of action.³¹ Even though freedom is by being autonomous, without the hypothetical imperative we are not really acting in a complete sense. Kant writes that hypothetical imperatives represents necessity of a possible action as a *means* to achieve something else that one wills³², and whoever wills an end also wills the indispensably necessary means to it that are within his power.³³ If we are to pursue an end we also necessarily have to will the means to bring it about, meaning that we must be able to be successful at the means if the end is to be realized. If not then we are not really attempting to make a change in the world as a cause and so willing would simply be reduced to mere wishing or daydreaming. This also implies that the scope of possible good maxims are limited by our current capabilities, meaning that if my current states of body and mind doesn't make any means possible to achieve the end I want to pursue then I cannot, in a practical sense, pursue and realize that end. Conversely, an increase in abilities and capacities in mind and body means a larger scope of moral agency, increasing my ability to affect the world as a cause instead of simply being left reactive and subjected to whatever happens around me.

A further implication of this is that the categorical imperative and the hypothetical imperative is intertwined by being a simultaneous necessity of moral agency. Korsgaard writes that the hypothetical imperative is not really a separate principle at all but it rather captures an aspect of the categorical imperative; it represents the facts that our laws must be *practical* laws³⁴, meaning that by being guided by it necessarily means that we must be able to (autonomously) use our sensible being to make changes in the empirical world. Thus, failing to be efficacious in the sensible world means also failing to be autonomous as a rational being existing and acting in the sensible world.

As I am writing about our empirical aspect and the will there is another interesting element to Kant's doctrine of virtue that relates to the previous considerations. A point of departure for Sen is that well-being and capabilities must be evaluated by what we

³⁰ Korsgaard, Christine M. 2009. *Self-Constitution: Agency, Identity, and Integrity*. Oxford: Oxford University Press, p.83

³¹ Korsgaard, *Self-Constitution*, xii

³² Kant, *Groundwork of the Metaphysics of Morals*, 4:414

³³ Kant, *Groundwork of the Metaphysics of Morals*, 4:417

³⁴ Korsgaard, *Self-Constitution*, p.70

fundamentally *are*, or in other words of what living a human life fundamentally consists of. The claim is that functionings are *constitutive* of a person's being as it is what we *are* and what we *do* (being and doing). There is a similar, though not at all identical argument to be found in Kant that is bit complex but definitely worth the attention.

Kant writes that we can view the human being under two attributes; firstly as the sensible being that is the human animal, and second as an intelligible being, meaning we are endowed with inner freedom as a being with reason.³⁵ Korsgaard writes that reason, as she understands it, is a power we have in virtue of a certain type of self-consciousness where we make grounds for our beliefs and actions and so can control and direct them.³⁶ Kant also seems to share this view. He writes that reason is to *determine* the human being as a cause to actions in the sensible world³⁷, and further that only a rational being has the capacity to act in accordance with the representation of laws, or principles, and so has a *will*. Reason is required to derivate laws (as opposed to mechanically follow instincts of our animality), and so the will is simply practical reason.³⁸ The will is then this power of self-conscious activity, the sphere of freedom and self-government that can make grounds for our beliefs and actions, and this is how we can direct them as being a cause in the world; we do it by acting according to laws, not sensibly determined impulses. This means that while our sensibility registers information about the world we can determine ourselves not by subjective inclinations but by the universal activity of having a will. To do this we must conform to the law of practical reason, which is what Kant call the moral law, or the categorical imperative. This leads us back to Baxley's reading of Kant. Failure to acquire autonomy and autocracy is to surrender one's authority over oneself, becoming a "plaything" of the forces and impressions of the sensible world, allowing oneself to be dependent on the chance of circumstances instead of being subjected to one's own free will.³⁹ Having a free will is not detachment or suppression of sensibility; it is just not being *determined* by it. Yet, even though Kant initially seems to have a rather bleak view on natural preferences it has to be noted that inclinations are not in themselves bad. The thing is that they are not intrinsic of the activity of willing and so are not to meddle in it but rather be subjugated to it. What Kant objects to in the non-autocratic person is not that she has inclinations but that she gives them an authority and privileged

³⁵ Kant, The Metaphysics of Morals, 6:418

³⁶ Korsgaard, Self-Constitution, p.xi

³⁷ Kant, The Metaphysics of Morals, 6:418

³⁸ Kant, Groundwork of the Metaphysics of Morals, 4:412

³⁹ Baxley, Kant's Theory of Virtue, p.54

status that they do not merit in a rational being.⁴⁰ Still, Kant also writes that we are not only an intelligible being but also a sensible being. At first it might seem that Kant expresses a view where we are to reject our feelings and inclinations but Baxley writes that the Kantian autocratic agent is one who doesn't exaggerate or suppress her feelings and inclinations, nor is she moved or (seriously) tempted by feelings or inclinations to disturb the authority of self-rule.⁴¹ Acting according to duty while doing it with a cheerful disposition is a sign of moral integrity while grudgingly or resistantly acting according to duty indicates a lacking virtue in one's character.⁴² She writes that such a virtuous character involves a well-developed sensible nature that is dependent on three factors: First we have to control unruly feelings and inclinations, second we have to maintain feelings and inclinations that accord with duty, and third we have to cultivate further our natural capacities to feelings and inclinations that favour duty. With these three functions together we get a more adequate and complete picture of Kantian virtue and so his moral doctrine. Our sensible aspect is then also constitutive of what we are, but there are limitations in how we are to relate to it in virtue of the moral law.

According to these rather short and introductory defending accounts of Kant it becomes much clearer that we can start working out a plausible account of reading and placing Kant within a context of well-being^w. In short, well-being^w of the individual human being in Kant would be constituted by being autonomous and efficacious as the "well-ness" of our being is to let reason keep its authority and for our sensible being to be in a (healthy) state to be able to cheerfully support reason under its authority to determine our actions. "Well-ness" is then not just our sensibility and our reason evaluated separately but that they are in the correct relation with each other. Having capabilities in our own agency becomes normative and relevant as we must have the necessary efficacy to act on our maxims, and increased capabilities in our mind, body and spirit means a wider scope of possible means and ends that we can undertake, moving us further in the direction of "moral perfection". If both our intelligible and sensible being is what makes us human then respecting humanity as an end in itself is to respect and promote well-being and capabilities in oneself and others. Or atleast this is what I will attempt to argue in the following chapters, aiming at making a much more extensive account of Kant's moral theory within this context of well-being, building on the work and inspiration from Christine Korsgaard, Anne Margaret Baxley and Robert Louden.

⁴⁰ Baxley, Kant's Theory of Virtue, p.68

⁴¹ Baxley, Kant's Theory of Virtue, p.75 and p.82

⁴² Baxley, Kant's Theory of Virtue, p.102

2. Well-ness and organized existence

2.1 Well-being in Kant

As mentioned in the introduction, a key concept for this project will be the division of well-being^N and well-being^W. While we can find the latter used in Sen and the Capabilities Approach the first one is prevalent in Kant.

Since the concept of well-being here is ment to be *moral standard* we can begin with Kant's metaphysical rejection of well-being as a source of moral value. After all, in the *Groundwork* he writes that his aim is to work out a pure moral philosophy that is "cleansed of everything that may be only empirical and that belongs to anthropology" and that the ground of obligation "must not be sought in the nature of the human being or in the circumstances of the world in which he is placed".⁴³ The highest good and the condition of every other good, even happiness, is a will that is good in itself.⁴⁴

Regarding well-being he is very explicit in what he means the term contains. He writes that well-being or ill-being "always signifies only a reference to our state of agreeableness or disagreeableness, of gratification or pain, and if we desire or avoid an object on this account we do so only insofar as it is referred to our sensibility and to the feeling of pleasure or displeasure it causes."⁴⁵ As being a reference to the states of our sensibility, of agreeableness or disagreeableness, well-being in Kant is understood as empirically contingent states and preferences that, in view of his account of the good will, cannot *in itself* merit any moral worth. If well-being is to have any moral relevance at all it would have to be with the good will as the condition as it is to be the condition of every other good.

Kant does however acknowledge some moral importance to our sensible well-being. He writes:

Certainly, our well-being and woe count for a *very great deal* in the appraisal of our practical reason and, as far as our nature as sensible beings is concerned, *all* that counts is our *happiness* if this is appraised, as reason especially requires, not in terms of transitory feeling but of the influence this contingency has on our whole existence and our satisfaction with it; but happiness is not *the only thing* that counts. The human being is a being with needs, insofar as he belongs to the sensible world,

⁴³ Kant, *Groundwork of the Metaphysics of Morals*, 4:389

⁴⁴ Kant, *Groundwork of the Metaphysics of Morals*, 4:396

⁴⁵ Kant, Immanuel, and Mary J Gregor. 1996. *Critique of Practical Reason in Practical Philosophy*. Cambridge, England: Cambridge University Press, 5:60

and to this extent his reason certainly has a commission from the side of his sensibility which it cannot refuse, to attend to its interests and to form practical maxims with a view to happiness in this life and, where possible, in a future life as well.⁴⁶

Here we already get a hint that "our whole existence" cannot merely be rational activity and having a good will. Our sensible aspect and so our sensible needs do demand some assessment and attention; they just do not merit moral value *in themselves*. Kant even goes as far as claiming that to let reason determine the will is good while let gratification determine the will is well-being, implying that well-being and goodness are two completely different things.⁴⁷ Still, if we are to understand the depths of how this can be and what it all will entail we must dig deeper into the metaphysics of what morals is, which I will do later in this chapter.

Kant's use of the term "well-being" here is one that I will call a narrow use of the word, well-being^N, as it only contains "wellness" in terms of empirical considerations, excluding rational activity both as a possible existence in itself and from any sensible being that is also, at the same time, a rational being. However, this narrow view is not the only approach in making sense of the term "well-being".

On a different account Amartya Sen writes that in evaluating well-being it has to be a form of an assessment of the constitutive elements of a person's being.⁴⁸ If we are to say that a person or any living being is well or has a certain degree of "well-ness" it would have to be in reference to constitutive elements of what characterizes the life and existence of that person or living thing. The better quality of a being's constitutive elements the more "well-ness" or well-being would that being have. The same would go for any conception of human flourishing; if we are to assess the "flourishing" of a human being it would have to be by a standard of what "being human" fundamentally is, where having or being more of that means flourishing as a human. This would be well-being in the wide sense of the word, well-being^W, one that is not seen in Kant's own writing but it is a use of the term that, as I will attempt to show in the following chapters, we can benefit from using when reading and assessing Kant's moral framework as he is without question attempting to make an account of what it is to be human which can be evaluated in term of degree, of "more or less".

⁴⁶ Kant, Critique of Practical Reason, 5:61

⁴⁷ Kant, Critique of Practical Reason, 5:62

⁴⁸ Sen, Inequality Reexamined, p.39

Now, the specific criteria of any evaluation of well-being in the wide sense could vary greatly, all dependent on the constitutive standard that makes out the foundation. Even many of the elements of well-being^N, such as those of gratification that is criticized by Kant, could be judged to be at the center of what characterizes being human and so be central to a constitutive standard of human well-being^W. For instance, if we were to make a utilitarian approach to well-being^W happiness, or utility, would probably be at the center of what constitutes human life and so aiming at maximizing happiness or utility would be to aim at greater well-being. On the feminist account the ontological model view humans as relational, conceiving agents as mutually interconnected, vulnerable and dependent. On this account human well-being, or human flourishing, would probably be grounded in care and caring relations as care is the normative core of feminist ethics.^{49 50} In the Capabilities Approach we have seen that relevant functionings that constitute our very being, "can vary from such elementary things as being adequately nourished, being in good health, avoiding escapable morbidity and premature mortality, etc., to more complex achievements such as being happy, having self-respect, taking part in the life of the community, and so on."⁵¹ Leaving these accounts behind as only illustrations of how diverse the accounts of well-being^W could be, to make the Kantian approach the normative core must be established under the authority of the categorical imperative and, moving from the merely metaphysical account of morals to how it is to affect and determine our everyday lives, assessed in reference to virtue.

To get this project going we need to start working on answering this key question: What are the constitutive or defining characteristics of human life? While Sen writes that living may be seen as consisting of interrelated *functionings*, consisting of beings and doings, we would definitely benefit from a more comprehensive assessment of what "beings and doings" consists of if, why it is normative and what it leads to in how we ought to live our lives. I believe that such an assessment can be found in Kant, which is what led me to this project in the first place, as Kant also seem to view human life as a form of functioning or *function* that is an *activity* of being and doing what constitute its existence. A good place to

⁴⁹ Pettersen, Tove. *The Ethics of Care: Normative Structures and Empirical Implications*, in Health Care Analysis, Mar 2011; 19: 51-64. Published online Jan 5, 2011.

⁵⁰ The examples of a utilitarian and a feminist approach to well-being in the wide sense are only meant to illustrate the possibilities of constitutive standards of well-being in the wide sense, that there can be a wide scope of what grounds a standard of what it means to be a human being. They are obviously not ment to be a thorough or sufficient account of how those two traditions would or could establish such a standard.

⁵¹ Sen, Inequality Reexamined, p.39

start will be to explore the argument of function in general and then move on to Kant's account of *organized existence* as an end in itself that can be good in-and for itself.

2.2 The general argument of function

According to philosopher Christine Korsgaard Kant follow Aristotle's metaphysics when assessing what constitutes being a *thing*, or being a *living being*. To know what a thing or being *is*, it's identity or what kind of object it is, is to know its *function*, *purpose* or *characteristic activity*. She writes that the clearest case is that of artefacts, which are clearly defined functionally. The idea is that an artifact has both a *form* and a *matter*. Matter is the material it is made of, such as for instance wood or bronze, and the form is the functional or teleological arrangements of the material that gives the artifact its purpose, or function.⁵² For instance, if we organise concrete, lumber, metal and brick in a certain way we can make a house, and the function of a house is to serve as a habitable shelter. When the materials are successfully organized in a way that together they make a habitable shelter then they have the form of a house. Functional arrangement or teleological organization then means the arrangement or organization of the parts of an object that enables it to exist as it does, making it the kind of thing that it is.

Now, the standards that a thing is to be evaluated from is what Korsgaard call *constitutive standards*, meaning that living up to this standard is what makes something the kind of thing that it is.⁵³ Thus, if I am to build a house I have to organize matter in such a way that it lives up to the standard of a habitable shelter. If the construction has cracks in the wall or holes in the roof that does not shelter well then we can assess the construction as being less of a good house. A bad house is a house that is buildt in such a way that it poorly lives up to the standard of what a house is. A mere heap of materials fail at living up to the standards so grossly that is it not even a house at all. This means that the constitutive standards of a thing also is the standard for normative judgements, if the thing is good or bad at being what it is supposed to be *as a thing in itself*. Similarly, the function of a knife is to cut, so the organization of a material or several materials together that is effective at cutting is good at being a knife, or just simply *is a good knife*. If the artifact is so blunt that it cannot even make a scratch then it does not live up to the standard of what knives are and so don't even merit the title or description of "being a knife".

⁵² Korsgaard, Self-Constitution, p.27

⁵³ Korsgaard, Self-Constitution, p.28

This argument of constitutive standards seems simple enough to grasp when it is about artifacts, but the most interesting and important aspect of it is when we turn to constitutive standards for *activities*. In an important passage Korsgaard writes that:

An especially important instance of the constitutive standard is what I call the constitutive *principle*, a constitutive standard applying to an activity. In these cases what we say is that if you are not guided by the principle, you are not performing that activity at all. In the case of essentially goal-directed activities, constitutive principles arise from the constitutive standards of the goals to which they are directed. A house-builder is, as such, trying to build an edifice that will keep the rain and weather out. But all activities - as opposed to mere sequences or events or processes - are, by their nature, directed, self-guided, by those who engage in them, even if they are not directed or guided with reference to external goals (...) So it is a constitutive principle of walking that you put one foot in front of the other, and a constitutive principle of skipping that you do this with a hop or a bounce.⁵⁴

What Korsgaard is arguing here is that any goal-oriented activity, such as house building or walking, is an activity in itself that we can be good or bad at doing independent of any further goal. What is constitutive of walking is putting one foot in front of the other and this is true independently of you finding it enjoyable or not. It is also true independent of you wanting or needing to walk or if you are not even walking right now. Similarly, I might want to build a beautiful house, I might want to give my family shelter, I might get paid to build a house for someone else or I might not care about houses at all, but none of these considerations contribute to what house-building *is* or how other individuals can objectively assess my performance if I were to build a house. Granted, my feelings or attitudes might affect my performance and results, but that only affect the normative assessment of my final product and performance, if I am good or bad at housebuilding. It does not change what constitutes the activity in itself and so does not change the normative standard. The activity of building houses is defined by its constitutive principle, and building a bad house is the same activity as building a good one, only that it is done badly.⁵⁵

Korsgaard writes that an attractive feature of normative standards through function is that it is easy to defend its authority. It does not make any sense to ask "why should I put one foot in front of the other if I want to walk?", nor does it make any sense to ask why a house should serve as a habitable shelter. Granted, you could ask this in a technical or

⁵⁴ Korsgaard, Self-Constitution, p.28-29

⁵⁵ Korsgaard, Self-Constitution, p.29

epistemological way to understand what walking is or what a house is, so you can learn about it and engage in it yourself, but its normative authority is indisputable. If you don't put one foot in front of the other you are failing at the constitutive standard of walking and you are then simply not walking, and if you throw some wooden planks on top of a heap of bricks and pour some cement on top of it all then your construction is grossly failing at being what a house is supposed to be.⁵⁶

2.3 Function and normativity of sensible life

I believe that Korsgaard is right in attributing this view of function also to Kant. The best source to identify this similarity is in the second part of the *Critique of the Power of Judgement*, which we now turn to to explore a much more interesting application of the function argument; the existence of living beings. This second part of the *Critique of The Power of Judgement*, the *Critique of the Teleological Power of Judgment*, is a very dense and difficult text to read and would merit a paper on its own if I were to make a satisfactory account of its arguments. Since the scope of this paper will exclude such an ambitious project I will only aim at extracting the main points that are relevant for the purpose of my arguments.

Leaving artefacts and artificially constructed things aside and turning to products of nature Kant argues for what he calls *organized beings* that are also, at the same time, *natural ends*, meaning that they *functionally* exist in-and for themselves without reference to any other being or purpose. He writes:

Now for a thing as a natural end it is requisite, **first**, that its parts (as far as their existence and their form are concerned) are possible only through their relation to the whole. For the thing itself is an end, and is thus comprehended under a concept or an idea that must determine *a priori* everything that is to be contained in it.⁵⁷

For us to cognize a thing or a being as a (natural) thing in itself every part of it must be (rationally judged *a priori*) only possible and existing as a part of a unity, as a single being. Further:

⁵⁶ Korsgaard, *Self-Constitution*, p.29

⁵⁷ Kant, Immanuel, and Paul Guyer. 2000. *Critique of the Power of Judgment*. Cambridge: Cambridge University Press, 5:373

But if a thing, as a natural product, is nevertheless to contain in itself and its internal possibility a relation to ends, i.e., is to be possible only as a natural end and without the causality of the concepts of a rational being outside of it, then it is required, **second**, that its parts be combined into a whole by being reciprocally the cause and effect of their form. (...) For a body, therefore, which is to be judged as a natural end in itself and in accordance with its internal possibility, it is required that its parts reciprocally produce each other, as far as both their form and their combination is concerned, and thus produce a whole out of their own causality (...).⁵⁸

An artefact can only be cognized functionally from the perspective and needs of a rational being that is "outside of it". For instance I can observe something and think "this thing is something I can sit on", cognizing it functionally in reference to myself as a chair. However, a thing as a natural product is, independent of any rational spectator, a thing in itself when an organ produces its other parts where, consequently, each part produce each other. Kant writes that "then and only on that account can such a product, as an **organized** and **self-organizing** being, be called a **natural end**."⁵⁹ In other words, a natural end is something that, in virtue of its internal organization, i.e. the reciprocal relationship of its parts as producing and maintaining each other, is self-organizing and so is teleologically cognized as something in-and for itself. Such a being, Kant adds, cannot merely be a machine. For instance, in a watch where one part is the instrument for the movement of another it only has a *motive* power. An organized being as a natural end has to have a *formative* power, meaning that in virtue of its form, or organization, the being has a self-propagating power where its parts are the efficient cause for the *production* of other parts. This is something that cannot be explained by a motive mechanism alone.⁶⁰

An objection that can emerge from this is that there are apparently growing parts of a being that are mere results or products that does not play any reciprocally role, but Kant answers this possible objection early. He writes that there might always be the possibility or presence of parts that can only be conceived as consequences of merely mechanical law, such as the growth of skin and hair that does not play any reciprocal role in the organized being. Yet, he continues, the cause that provides the appropriate material, modifies it, forms it and deposits it in its appropriate place must always be judged teleologically so that everything in it must be considered as organized and that everything is also, in a certain relation to the thing itself, an organ in turn.

⁵⁸ Kant, Critique of the Power of Judgement, 5:373

⁵⁹ Kant, Critique of the Power of Judgement, 5:374

⁶⁰ Kant, Critique of the Power of Judgement, 5:374

There is something intuitive about this account of understanding living, or existing, beings as having an internal organization that makes it a singular entity, or as having an inner causality that define what it *is*. Another way of explaining "inner causality" is to say that a living being has its own *law*, a principle that defines what activity, or causality, that makes it what it is. Kant writes that nature "in the most general sense is the existence of things under law", meaning that for something to be natural is has be cognized as existing under a law, or principle.⁶¹ As rational beings Kant thinks that we necessarily understands the world through laws, or *representation of laws*⁶²; this is how we can find consistent patterns to make sense of the world and navigate through it by concepts. Now, this definition and use of the term "nature" is pretty simple and very familiar, where the most familiar application of this is empirically conditioned laws, or what we usually call *natural laws*; causal relationships of the sensible world that explain the mechanics of the natural order. The scientific method is based on identifying these laws to understand "the clockwork", as it were, of the world we live in. But these natural laws of science are not the only aspects of our world that we cognize under laws. We also view *things* and particularly *living things* under laws, where to know what a thing is, for instance a particular kind of animal, is to know its causality, i.e. the law (form) of its organization. This is what Korsgaard was arguing by constitutive standards and constitutive principles that I mentioned in section 2.2; for something to be what it *is* it has to live up to the principle that define, or describe, its characteristic activity. The more or less a being is living up to it's internal organization of what characterizes its particular kind of life the better or worse is it at being what it is. It is in virtue of its *law*, of it's constitutive principle, that we can make normative judgements on it. A being can be good or bad in reference to its functional constitution.

We however need to explore this claim of organized beings and normative judgements further. As was mentioned but not explicitly explained in section 2.2, function as constitutive principles are about an *internal* arrangement or organization that makes something what it *is*. Particularly when assessing living beings as *a thing in itself* we must understand that their "function" or "purpose" is not to be viewed as being in reference to human needs or any other externally assigned purpose. For instance, the purpose of an ox is not to plow the fields and the function of trees is not to provide wood for making fires or

⁶¹ Kant, Critique of Practical Reason, 5:43

⁶² Kant, Groundwork of the Metaphysics of Morals, see 4:401 and 4:412

building houses. What we are interested in is revealing the internal, teleological organization that makes the object live its particular form of life.^{63 64}

Consistent with the Kantian account of self-organized beings Christine Korsgaard argues that in animals one's characteristic activity or functional arrangements, its form, is what makes an animal maintain and reproduce itself, meaning an internal organization that is self-maintaining.⁶⁵ Function and so life is then just to be - and to continue to be - what that living thing is. Conversely, while living is self-maintained activity then dying and death is disintegration from this activity, not being able to keep doing it. So for instance the function of a giraffe is to be, and to continue to be, a giraffe. A healthy giraffe is then one that is internally well organized in keeping its "giraffeness" going, such as nourishing itself, finding shelter when needed, avoid predators and being resistant to disease. Actually, health and "being healthy" is just a name for the inner condition of what your sensible form is, being self-maintaining and thus avoiding disintegration.

This account connects health to normativity as the condition of an individual animal's internal organization affects how that individual lives up to its constitutive principle as the kind of life it has. A healthy giraffe is also a good giraffe because it is good at maintaining its form, its "giraffeness". A sick giraffe is subsequently worse off by the standard of function; it is disintegrating from its self-maintaining form and so is less good at being a giraffe because it is doing, or being, what constitutes its particular way of living at a lesser degree. Life, in other words, is a continued activity of constituting yourself as what you are, meaning that the life of a giraffe is a continued activity of living up to what being a giraffe is. And, even though the internal activity is dependent on external matter, such as the need to inhale oxygen and consume nutrition, the individual is still to be viewed as a singular organized being where its parts are reciprocally producing and maintaining each other. This is the same for any biological, empirical animal; that includes the human animal.

In section 2.2 I wrote that the authority of normative standards is easy to defend and I find the same true considering the function of living, self-organized beings. It would seem

⁶³ Korsgaard, *Self-Constitution*, p.38

⁶⁴ An interesting topic that I cannot review here is that Kant writes, in the *Critique of the power of judgement*, 5:379, that the idea of natural ends necessarily leads to the idea of the whole of nature as a system in accordance with the rule of ends, to which idea all of the mechanism of nature in accordance with principles of reason must now be subordinated. The *end of nature* is the whole sensible world, as I understand it, viewed as a single organized entity that we must cognize as having an end, where "all its parts" is organized for this end. This, however, does not change the assessment and usefulness of understanding and judge, as we necessarily have to, organized beings as something in itself.

⁶⁵ Korsgaard, *Self-Constitution*, p.35

ludicrous to ask why a giraffe should eat leaves, drink water, mate with other giraffes and avoid being eaten by predators as these are all part of its functional arrangements that makes it maintain itself; it is *necessary* in virtue of what constitutes its very existence. Its particular kind of life *is to do* those things, and the better or worse an individual giraffe is at doing this to maintain itself we can judge it as good or bad at living its constitutive kind of life.

Further, constitutive standards establishes intrinsic value as the existence of a living being is an end in itself, or good for its own sake; its teleological end is to be - and continue to be - what it is. The function of a giraffe is simply its internal organization and not any external purpose, meaning that a good giraffe is a something - or a someone - that is good for its own sake; it is good at being what's constitutive of its very existence.

So, regarding the constitutive standard of function, or being a self-organized being, the terms goodness, health and, ofcourse, wellness are all appropriate and point toward the same aspect of a living being; the quality or degree of being and doing what characterizes their particular kind of existence, and the well-being^W of a living thing is to be evaluated by an assessment of how well it is living up to its constitutive principle as a self-organizing being.

Still, even if a living being can be good in itself, for its own sake, where we can assess its well-being in virtue of its form, it does not follow any grounds for *obligation* with this alone. This is because the current assessment of sensible life is only one of biological self-maintenance, of "blind causality". This necessity is simply a mechanical and instinctive one in virtue of internal organization. It cannot provide a conception of "ought" in relation to itself as it lacks the self-conscious activity that provide grounds for action that is not just immediate instinct.⁶⁶ Without self-conscious activity, as I will argue more in-depth later, there cannot be any "ought" as there is no conflict, only automatic conformity to its own causality. This further means that even though we have a normative standard for living beings we cannot allocate blame or responsibility in virtue of this. Even instincts that conflict with self-maintenance like mistaking a predator for prey or neglecting to find shelter when needed does not make an individual animal responsible or blameworthy of its demise in terms of "it should have know better" or "it should have done something different" since it really is not within its power when lacking self-conscious activity; it is only subjected to sensible determination, its own causality that can be better or worse for its own end. Granted, we could say that it failed or only were good up until this point as its normative standard is still

⁶⁶ Christine Korsgaard uses the term "reflective distance" to describe this condition. For further reading see Korsgaard, *Self-Constitution*, p.116 in particular or the whole chapter beginning at p.109.

in force, but it does not make sense to say that a giraffe ought not to have eaten poisonous leaves as if it had a conscious and active, observational relationship to itself and alternatives besides the most immediate and strongest impulse. A bad giraffe is not an immoral giraffe. It is bad in the same way we would say a knife is bad; it is bad at doing, or being, what it is supposed to be. The most beneficial to the animal would certainly be to not eat poisonous leaves, but when motivated and organized by instinct alone there is no responsibility, only the circumstances of chance following sensible, determined law that can lead to beneficial outcomes or not. Thus, the normative standards of organized, sensible life could never serve as a *moral* normative standard as sensible laws in themselves cannot provide a guiding principle outside of their own determined mechanism. Conformity to sensible causality cannot in any meaningful sense be called "to be guided" as we would merely be "controlled" or "determined"; if a preference or inclination had authority in itself then we could never be wrong or responsible in anything we did. Thus we cannot establish a *moral* normativity just from sensibility, meaning that on this Kantian account of sensible life we haven't yet found a normative standard of well-being that we *ought* to promote. There has to be something else, something more that in its existence there is possible to question a sensible command, becoming aware that there not only are other options but that you can also direct yourself in that direction in spite of natural law inclining you to something else. I believe that, as I will argue in the next section, this awareness and so responsibility and "ought" arises from the function of reason - or rationality - as self-conscious activity. It is with this ability we can be *free* from the dictates of empirical causality and so act otherwise, rendering us responsible for our actions and so constitute a standard for good and bad action and agency. It is with this ability we can establish a *moral* normativity of well-being.

2.4 Function and normativity of rational life

In the previous section I briefly argued that we could not establish obligation within the function of sensible life alone as we need a conscious relationship to *what* and *why* if there is to be responsibility and a conception of "ought" at all. I believe that this is closely related to what Kant was thinking about when he wrote that moral philosophy had to be cleansed from principles of *mere* experience and everything that may be *only* empirical and that belongs to anthropology. His claim is that only a law that must carry with it absolute necessity can hold

as a ground for obligation, and such a law, he writes, must be found a priori in concepts of pure reason and not on empirical grounds.⁶⁷

I believe that when we are reading Kant, as we ought to do when reading any philosopher, it is important to be aware of the purpose and ambition of the work we are reading and assessing if we are to understand the content. In the introduction to this paper I raised some common objections to Kant's moral philosophy that criticized his moral framework of being too much focused on "blind duty" and reason while neglecting our sensible needs and individual social relationships. These criticisms seems to arise from reading the *Groundwork* and that work alone as the focus is usually on the categorical imperative and what they believe Kant's account of duty to the moral law will amount to in our everyday lives, even when arguments and points raised in the *Metaphysics* and *Critique of Practical Reason* clearly rejects them. It is important to notice that in the preface of the *Groundwork* Kant writes:

Intending to publish some day a metaphysics of morals, I issue this groundwork in advance (...) The present groundwork is, however, nothing more than the search for and establishment of the supreme principle of morality, which constitutes by itself a business that in its purpose is complete and to be kept apart from every other moral investigation.⁶⁸

Thus the point of the *Groundwork* is, foremost, the search and establishment of the categorical imperative, a project that has to be done in isolation first and not based on contingent, subjective empirical grounds. Any other moral investigations, such as social relationships and duties related to our capacities of mind, body and spirit, will have to wait. This is why sensibility and efficacy is given so little attention in the *Groundwork*. Not because it was regarded as unimportant but because it was not within the intended scope of that project. It is critical to understand that in the *Groundwork* Kant was foremost undertaking an assessment of reason viewed in isolation, as something that is an activity in itself with its own constitutive principle. Granted, the *Groundwork* is obviously a philosophical work that can be a subject of review and criticism on its own, but the point here is that it does not tell the complete story of Kant's moral theory. Ann Margaret Baxley seems to have the same idea, writing that Kant makes no attempt to set out a full account of moral

⁶⁷ Kant, *Groundwork of the Metaphysics of Morals*, 4:389

⁶⁸ Kant, *Groundwork of the Metaphysics of Morals*, 4:391 - 4:392

character in that work.⁶⁹ She further writes that the account of the good will is the closest approximation we get to an account of character in the *Groundwork*, but a good will is not the same as having a morally good character. The good will that render us autonomous represents the core, distinguishing feature of a morally good person, but virtue in terms of *autocracy* is something over and above the good will. I will return to autocracy and virtue in chapters 4 and 5.

Without isolating reason in an assessment of its own I don't think we can do a just reading of Kant because I believe that this was exactly what he was doing himself, and by failing to do this we will inevitably end up with, in my opinion, an insufficient reading that wrongly results in judging it as an impossible and impractical moral theory. Firstly we can look at reason as something in itself to better understand it and *then* we can look at reason in interaction with our sensible being to better understand what it all means and amounts to in everyday life. I think it is a plausible worry that much of the criticisms of Kant are because of a neglect of this essential, preliminary consideration.

But what really is reason? Christine Korsgaard suggests that reason is a power in virtue of a certain type of self-consciousness where we are conscious of the *grounds* of our own beliefs and actions⁷⁰, meaning we can observe ourselves and have grounds that are not simply instincts or impulses. In other words, as human beings we are not only sensible beings with feelings, inclinations and preferences but we also *observe* these impulses and *make judgements* on them. This form of self-conscious activity, she writes, gives us a capacity to control and direct our beliefs and actions, meaning we are active in a way that differs from merely sensible causality. Granted, self-conscious activity is obviously linked to sensible life as it is sensible inputs and impulses that we necessarily observe, but what we observe does not constitute or define the activity of observation itself. In this regard Kant is not really making some unreal or impractical claims when he writes that proper moral philosophy needs to be cleansed from *principles* of experience and everything that is *only* empirical or from anthropology. What he is interested in is to assess our capacity to act free from sensible determined laws. This capacity, as an activity in itself, has its own law and so constitutive principle which is not determined by sensible, or empirical, existence.

Korsgaard further writes that this power of self-conscious activity does not only make us active in a way that differ from just being a sensible form of life. It also gives us the

⁶⁹ This point was raised in a discussion where she rejects the view of Kant's moral theory amounts to mere continence. See Baxley, Kant's Theory of Virtue, p.45.

⁷⁰ Korsgaard, Self-Constitution, p.xi

problem, or challenge, of having to decide what counts as a ground or reason for beliefs and actions. Reason, Korsgaard writes, is then the capacity for normative *self-government*. This in turn means that there is an inexorable truth about the human condition that our self-consciousness condemns us to choice and action.⁷¹ No matter what we feel, think or want as a sensible being we have a conscious relationship to ourselves, making us aware of our sensibility and making us assess these experiences in our every waking hour. This aspect of our existence is then *unconditional*, and the name that Kant uses to describe this unavoidable psychological force that operates in us is *necessitation*. The activity of reason is necessitated, meaning we are inevitably engaged in it.

When reading Kant I make the same interpretation as Korsgaard, thinking that Kant had the same view of reason being necessitated self-conscious activity. Kant writes that a good will is not good because of what it effects or accomplishes but because of its *volition*, that is, it is good in itself. Usefulness or fruitlessness cannot add or take away anything to the worth of the will⁷², and the true vocation of the will, he writes, "must be to produce a will that is good, not perhaps as a means to other purposes, but good in itself, for which reason was absolutely necessary".⁷³ I find this quote very interesting. If the true purpose of the will is to produce a *good* will then this sounds very similar to the Aristotelian argument of function that I reviewed earlier through the work of Korsgaard and Kant's own account of self-organized beings, meaning that the will has its own internal organization that makes it what it is and so a good will is a will that is good at willing, i.e. good at being what it is. In other words, Kant claims that willing is an activity in itself and not primarily a means to other purposes. I find this idea supported further by this passage that says:

Only a rational being has the capacity to act *in accordance with the representation* of laws, that is, in accordance with principles, or has a *will*. Since *reason* is required for the derivation of actions from law, the will is nothing other than practical reason.⁷⁴

If I have understood this passage correctly I take it to mean that only a rational being can become aware of-and adopt laws, or purposes, that are not merely instinctive. I made this argument earlier, that as rational beings we necessarily cognize the sensible world through laws. If this is true then Kant seems to share the idea that "reason is a power we have in

⁷¹ Korsgaard, *Self-Constitution*, p.1-2

⁷² Kant, *Groundwork of the Metaphysics of Morals*, 4:394

⁷³ Kant, *Groundwork of the Metaphysics of Morals*, 3:396

⁷⁴ Kant, *Groundwork of the Metaphysics of Morals*, 4:412

virtue of a certain type of self-consciousness".⁷⁵ It also supports my earlier claim that within the function of sensible life alone, without reason, there cannot be any "oughts" or obligation as there is no conception of principles or laws at all, only "blind" mechanical instinct. The power of reason means that we are not simply subjected to the random circumstances of the world but that we can review them, assess them and make a decision on them according to principles that are not simply instinct or subjective preferences and inclinations. We have the ability to decide, or *will*, *what* we are to do and *why* we are to do it independent of our initial instinctive response and independent on other preferences and inclinations that we might have. This makes it much clearer how the good will is not only the highest good but that it also must be the condition of any other good; of all the laws we can cognize the condition for these laws is reason itself, i.e. their authority is contingent on the constitutive principle of reason itself. Any law, to qualify as a law at all, must be by the activity of willing where the will is good *in-and-for itself*, not by reference to anything empirical.

In other words, to have a will is then to be able to take a step back from sensibility and to assess ourselves, our surroundings and our situation on grounds, or laws, independent of initial sensible reactions. Looking back at the argument of function, for a will to be good it has to be good at what willing *is*, which is, according to the quoted passage by Kant, nothing other than practical reason. To will something and to have a good will is essentially the same thing, which is to be good at the activity of *reason*. I suspect that many problems and misreadings of Kant occur if we are to mix reason and sensibility into one singular function, thinking that "willing" is to simply use reason instrumentally as a tool or means to identify and promote our sensible preferences or needs, which I think was Kant's concern when he wrote:

(...) in a being that has reason and a will, if the proper end of nature were its *preservation*, its *welfare*, in a word its *happiness*, then nature would have hit upon a very bad arrangement in selecting the reason of the creature to carry out this purpose. For all the actions that the creature has to perform for this purpose, and the whole rule of its conduct, would be marked out for it far more accurately by instinct, and that end would have thereby been attained much more surely than it ever can be by reason.⁷⁶

⁷⁵ Korsgaard, *Self-Constitution*, p.xi

⁷⁶ Kant, *Groundwork of the Metaphysics of Morals*, 4:395

I take this passage to strongly imply that Kant did think that rational activity and sensible life is, even though they can exist at the same time in an individual being, two different activities with their own normative standards. This position is strengthened when we also read that the human being and in general every rational being - implying that "being a rational being" is something in itself, or at least not bound to any specific form of empirical life - *exists* as an end in itself⁷⁷, that "*will* is a kind of causality of living beings insofar as they are rational"⁷⁸, and that he further argues that the ground for an objective and a supreme practical principle is that *rational nature exists as an end in itself*⁷⁹, meaning that rational nature is something existing in-and for itself, as a causality in itself, independent of any sensible nature.

For Kant rational activity is then essentially a form of life or existence in its own right, and just as the activity of (self-organized) sensible life is subjected to a normative standard of good and bad, so is rational activity. Rational activity then also has intrinsic value because - to paraphrase the conclusion from last section to fit with this one - the existence of a being is an end in itself, or good for its own sake; its teleological end is to be - and continue to be - what it is. The function of reason, or willing, is its internal, teleological organization and not any external purpose, meaning that a good will is good for its own sake; it is good at being what's constitutive of its very existence.

Also in this category I find it appropriate to use the terms health and wellness in addition to goodness. Rational activity has its own function that can be performed well or badly, its "health" is when its internal organization is well maintained and so its "wellness" or well-being is to be evaluated by an assessment of how well a rational being is living up to its constitutive principle in virtue of being rational. Reason, or "being rational", is then an activity of existence just like "being a giraffe" or "being a knife"; it exists functionally as something in itself, not in reference to something else that it can be a means for.

⁷⁷ Kant, Groundwork of the Metaphysics of Morals, 4:428

⁷⁸ Kant, Groundwork of the Metaphysics of Morals, 4:446

⁷⁹ Kant, Groundwork of the Metaphysics of Morals, 4:429

3. Being human

3.1 Kant's human being

Regarding sensible and rational activities a new question emerges; when sensible existence and rational existence is both regarded functionally as something in-and for themselves, what does that mean for a being, such as the human being, that is characterized by having both aspects? If we are to meet the first criteria from the introduction, to make a Kantian account of well-being^w, we must undertake this question.

Philosopher Robert Loudon writes that Kant asserts that the question "what is the human being" is the most fundamental question in philosophy, but finding the answer is not an easy task.⁸⁰ Even Kant himself offers no complete answer as he does not seem to think that it is possible to do so.⁸¹ One reason for him to make this claim is that if we are to single out what is unique about our own species we would need other species of rational beings, other non-human rational beings that are also sensible beings, to single out what is definitive about us in comparison.⁸² However, we can still make some sense of what characterizes the human condition.

According to Loudon Kant firstly holds that human beings, like any other living creatures and unlike machines, must be studied teleologically in terms of their natural purposes.⁸³ I have already reviewed this account in section 2.3 on self-organized beings and, in section 2.4, on the function and self-organized existence of reason. Second, Loudon writes that for Kant the human being is an animal endowed with the capacity of reason, i.e. that as sensible beings we also have the ability to become rational if we exercise this capacity, meaning that we are not necessarily and automatically rational; we can fail or be bad at doing it.⁸⁴ Third, in accordance with this fallible ability of being rational, Kant's theory of virtue is in effect a theory of morality designed to fit the specific conditions of human beings⁸⁵; only by having knowledge about the human sensible nature can we make sense of how and to what extent we can be moral by determining our will in accordance with reason.

⁸⁰ Loudon, Robert B. 2011. *Kant's Human Being: Essays on His Theory of Human Nature*. Oxford: Oxford University Press, p.xii

⁸¹ Loudon, Kant's Human Being, p.xiii

⁸² Loudon, Kant's Human Being, p.xix

⁸³ Loudon, Kant's Human Being, p.xiii

⁸⁴ Loudon, Kant's Human Being, p.xxi

⁸⁵ Loudon, Kant's Human Being, p.xxvii

While there is no doubt that reason is essential for Kant regarding morality and the human activity our sensibility is also important for him regarding what we fundamentally are and to what extent we can exercise our moral capacity. Louden writes that in his lectures on ethics Kant describes the metaphysical account of morality as "the first part of morals", which is the non-empirical and pure part of morals build on necessary laws. This means that the metaphysical account of morality cannot be grounded in the particular (sensible) constitution of a rational being (such as the human being) but must rather be grounded in "being a rational being as such", or in other words, the function of rational existence. The second part however is what Kant call moral anthropology or practical anthropology, which is the empirical part of ethics. It is morality applied to the human being in particular and this is where the empirical principles belong.⁸⁶ The (moral) task of Kant's anthropology is to identify what it is about our particular biological species of rational beings that makes it hard or easy for us to act morally, of what specific sensible passions and inclinations we are subjected to that tends to make it relatively difficult or easier to adhere to moral principles.⁸⁷ Thus, the overarching goal of moral anthropology is to figure out what human nature is like in order to more effectively further moral ends. If we know about the empirical human nature then we would be better equipped to make morality more efficacious in human life by identifying obstacles and how we are to go past them, letting reason determine our will. This goal is clearly a moral one, Louden writes, as this pursuit to understand human nature in order to further moral ends are deeply value-embedded, or morally guided.⁸⁸

Kant did, contrary to popular belief, show concern about the important role sensibility play in moral agency. In the *Moralphilosophie Collins* transcription he stated that "people are always preaching about what ought to be done, and nobody thinks about whether it can be done"⁸⁹, implying that to make morality practical and applicable in the sensible world we must care for and cultivate our sensible states and powers to make moral life possible. This is where virtue, which I will return to in chapters 4 and 5, becomes essential to Kant's doctrine of moral agency. In the *Groundwork* he emphasizes that morals needs anthropology for its application to human beings as human beings cannot simply "jump into" pure ethics unaided. We need knowledge about our own empirical situation as a necessary prerequisite.⁹⁰ The purpose of the knowledge moral anthropology is to offer ethics is practical efficacy, making

⁸⁶ Louden, Kant's Human Being, p.50

⁸⁷ Louden, Kant's Human Being, p.55

⁸⁸ Louden, Kant's Human Being, p.56

⁸⁹ Louden, Kant's Human Being, p.57

⁹⁰ Louden, Kant's Human Being, p.58

us able to succeed as moral agents. Obviously, considerations of the moral rule are useless if we cannot prepare people to fulfill it.⁹¹

3.2 *The peculiar condition of being a rational animal*

As I argued in chapter 2, both sensible life and rational life is *functionally* good in-and for themselves and they are two distinct activities where both are featured in human beings. Yet, when reading Kant he gives rational existence a higher value and importance. He even begins the first section of the *Groundwork* by writing that "it is impossible to think of anything at all in the world, or indeed even beyond it, that could be considered good without limitation except a good will".⁹² A few pages later he writes that a will that is good in itself has a worth that "surpasses all else"⁹³ and that it not only is the highest good but also the condition of every other good.⁹⁴ How can these two principles that is initially good in themselves be of different value and hierarchical rank?

My suggestion is that the answer is already implicit in the first sentence. Rational activity is self-conscious activity, or in other words the very faculty of *reflective thinking*. It is constitutive of the very possibility of a capacity to act in accordance with the representation of laws and so is the necessary and constitutive element of a will where we can act free from mere sensible causality. Even the goodness of a sensible self-organized being only makes sense when observed by rational activity, an observation that cognizes the world in accordance with laws and so a conception of ends. This is why we cannot *think* of anything else but a good will as unlimited good; it is the very condition of cognizing and to act in accordance with goodness. Thus, when it comes to *being moral*, to *act* good, reason holds the normative standard as this is the standard of acting freely from mere sensible causality. Kant compares the good will with talents of mind such as understanding and wit, qualities of temperament such as courage and resolution and gifts of fortune such as power, honor and riches, saying they are all good and desirable for many purposes but that they can also be extremely harmful and evil if the will is not good. For anything to be *morally* good it has to be within the framework of rational activity, meaning that any action must ultimately be for the sake of reason (as its goodness is being good in-and for itself), following its constitutive principle that is also known as the moral law. In other words, only a good will is good

⁹¹ Louden, Kant's Human Being, p.70

⁹² Kant, Groundwork of the Metaphysics of Morals, 4:393

⁹³ Kant, Groundwork of the Metaphysics of Morals, 4:403

⁹⁴ Kant, Groundwork of the Metaphysics of Morals, 4:396

without limitation and is the necessary condition of any other good because it is constitutive of any reflective relationship to goodness. Anything else can only be good *by* limitation, and this limitation is the framework allowed by the functionally cognized nature of the will.

Yet, even if the good will is (the only) good without limitation and is the aspect that constitute *moral* goodness we still have a sensible aspect to consider that can be functionally good or bad viewed in itself. Kant did after all write that the human being view her self by the two attributes of sensible and intelligible being.⁹⁵ I think that the necessitated ability of self-conscious activity somewhat complicates the human condition by giving us a peculiar characteristic. I find it useful to think that there are really two instances of necessitation. First it is rational activity as self-conscious activity in itself that is necessitated, and secondly we necessarily observe our own sensible constitution with this rational activity. We are constantly being confronted with different whats and whys that we must assess as we cannot avoid observing our sensible aspect any more than we can avoid the capacity of self-conscious activity itself, making the two aspects - which have their own respective normative standards - *intertwined*. We could say that as human beings our intelligibility and sensibility have an intertwined necessity that is made possible by, and is to be determined by, reason. Granted, we might drift into our own thoughts and for a minute not noticing that we are hungry or that our chin is resting on a closed fist, but for most of our waken lives we are confronted with sensible needs, inclinations and impulses whether we want to or not. Our sensibility is maybe subjected to our rationality but we cannot simply "will away" also being a sensible animal any more than we can will away having a will. I think that it is this "intertwined-ness" that makes human moral life both difficult to grasp and challenging to realize.

We can make sense of the problem like this: As a self-conscious being we are necessarily committed to the principle of rationality, and as a being that can act according to the representation of laws we are also confronted with the principle of our - also inescapable in virtue of our self-consciousness - sensible aspect. Both attributes have their own normative standard and as both rational and sensible beings we can assess and act in accordance with this knowledge. For instance, whenever I *feel* hunger I also become *conscious* of a sensible need or inclination. But I don't only only feel hunger, I am also aware that being nourished with food and water is good for me as an animal; it contributes to me being-and-continuing-to-be what my particular kind of sensible existence is. I now have an inclination *and* I have

⁹⁵ Kant, The Metaphysics of Morals, 6:418

knowledge of this inclination being good for maintaining my animal aspect. The question now is "what *ought* I to do?" By the normative standard of my particular kind of animal form it would be good to just eat or drink something nourishing, but what would be rationally, and thus morally, good? The end of rational activity is to be good in-and for itself, so how are we to will in this scenario to make a moral choice?

One possible argument to make is that as far as we know our rational nature is dependent on our sensible nature. If consciousness is a product of our brain then our rational nature will probably perish when our sensible nature dies. In that case, if our will is to be good for its own sake, to maintain itself, then it is of instrumental value to respect and promote our animal health. Thus, it is morally good to eat when you are hungry if nourishing yourself is the act you do with reason being its ultimate end. Respecting and promoting our sensible aspect could then be considered a moral good in virtue of the lifespan of our rational existence is dependent on it.

A second possible argument can be that as our sensibility constantly tries to influence us to do different acts for different ends and as the authority of determination belongs to rational activity we must *control* or *master* our sensibility so that it does not, as it were, usurp the authority that belongs to the will. The desperation of hunger can create a so strong impulse that it determines our actions, thus usurping the authority that belongs to reason. Kant do write in the *Groundwork* that there is an indirect duty to assure one's own happiness to avoid temptations that could transgress on duty.⁹⁶ In this case it is morally good to maintain a healthy animal condition as it keep any serious challenges to the authority of reason at bay.

Both arguments however are only scratching the tip of the iceberg and do not really, in my opinion, reveal anything fundamental about the metaphysical conditions of moral life. To reach a more satisfying answer that meets the core of the relationship between reason and sensibility I believe we have to look closer at the relation between those two on the one hand and the categorical and hypothetical imperatives on the other.

3.3 The imperatives

As I established in section 2.4 reason, which makes us able to cognize the world through the representation of laws, or principles, has a constitutive principle of it's own which is necessitated and so is objectively necessary. Kant makes the argument that:

⁹⁶ Kant, *Groundwork of the Metaphysics of Morals*, 4:399

The representation of an objective principle, insofar as it is necessitating for a will, is called a command (of reason), and the formula of the command is called an **imperative**.

All imperatives are expressed with an *ought* and indicate by this the relation of an objective law of reason to a will that by its subjective constitution is not necessarily determined by it (a necessitation).⁹⁷

Further:

Now, all imperatives command either hypothetically or categorically. The former represents the practical necessity of a possible action as a means to achieve something else that one wills (or that it is at least possible for one to will). The categorical imperative would be that which represented an action that as objectively necessary of itself, without reference to another end (...) Now, if the action would be good merely as a means *to something else* the imperative is *hypothetical*; if the action is represented as *in itself* good, hence as necessary in a will in itself conforming to reason, as its principle, *then it is categorical*.⁹⁸

The objective principle of reason, of self-conscious activity, which is good in-and for itself and is objectively necessary in virtue of its metaphysical existence, is then the categorical imperative.

To be as clear as I can be on this rather complicated and often confusing topic, I understand that this constitutive principle of reason, or rationality, is best described as *lawfulness*; the constitutive principle of reason is to conceive the world and everything in it as constituted by laws in accordance with ends, meaning that the function of the will, its form, is lawfulness. Thus, for any action to have moral value, to be rational and so be expressed as *having a will*, it has to have the *form of a universal law*. In the *Critique of Practical Reason* Kant writes that:

(...) the *formal practical principle* of pure reason (in accordance with which the mere form of a possible giving of universal law through our maxims must constitute the supreme and immediate determining ground of the will) is the *sole* principle that can *possibly* be fit for categorical imperatives, that is, practical laws (which make actions duties), and in general for the principle of morality, whether in appraisals or in application to the human will in determining it.⁹⁹

⁹⁷ Kant, Groundwork of the Metaphysics of Morals, 4:413

⁹⁸ Kant, Groundwork of the Metaphysics of Morals, 4:414

⁹⁹ Kant, Critique of Practical Reason, 5:41

In fewer and simpler words; since we are necessitated to reason the very principle of rational activity - which is good in and for itself - is the only principle that can determine our will if we are to act free from our sensible causality and so is constitutive of morality, of what we *ought* to do. However, as we cognize the world through representation of laws only the *form of law itself* can be objective and universal, not any subjective sensible or empirical considerations that we are legislating *about*. Kant further writes that autonomy of the will, as the sole principle of morality, consists in *independence from all matter of the law* (namely, from a desired object, for instance our happiness) and at the same time is determined through the *mere form of giving universal law*. This means that for a will to give itself its law through the form of lawfulness, not on the (false) authority of sensible preference, is for a will to be autonomous and so moral. If desired objects (i.e. the matter of your maxim) enters as a condition of the *determination* of the will then the will is not autonomous but rather heteronomous, meaning the will is failing at being what characterizes its very nature and thus undermines itself.¹⁰⁰

In addition to the categorical imperative Kant argues, in the same quote above, that if you are to pursue an end you must also be able to will its *means*. It is a *practical necessity* that if you want to achieve A, and doing B is necessary to do that, then you have to also be able to will *doing* B. This practical necessity is the *hypothetical* imperative. The categorical imperative makes us autonomous, meaning that we are *making ourselves* a cause in the world not determined by sensible causality, while the hypothetical imperative is the enactment of this autonomy making us efficacious, meaning it *actualizes* or *succeeds* in making ourselves a cause in the sensible world.¹⁰¹ As I mentioned earlier in section 3.1, considerations of the moral rule are useless if we cannot prepare people to fulfill it. Kant did not overlook this.

However, in theory there could be no imperatives at all. Kant writes that a *perfectly good* will would not be represented as necessitated to actions and so that no imperatives holds for what he calls a *divine* will and in general for what he calls a *holy* will. Any "ought" would be out of place here because volition is of itself necessarily in accordance with the law. This is because - and this is important - imperatives are "only formulae expressing the relation of objective laws of volition in general to the subjective imperfection of the will of this or that rational being, for example, the human will".¹⁰² What he is arguing here is that, at least in

¹⁰⁰ Kant, Critique of Practical Reason, 5:33

¹⁰¹ Korsgaard, Self-Constitution, p.82-83

¹⁰² Kant, Groundwork of the Metaphysics of Morals, 4:414

theory, reason could exist in itself without being connected to sensibility. Pure reason, without having a body or any sensory inputs, would not have any imperatives or any conception of "ought" as it would be perfectly good in itself, not being "clouded" or "disturbed" by subjective, sensible influence that would make it an "imperfect will".¹⁰³ Conversely, a sensible being that is not rational would also not have any imperatives or conception of "ought" as it hasn't the capacity to understand the world through representation of laws. After all, imperatives and "ought" only makes sense when there is a conflict; if not it would simply be perfect conformity and so no possibility of transgression. Much later in the *Groundwork* Kant gives my interpretation further support when he is making a case for reason and sensibility firstly as being separate, then of them being intertwined and existing simultaneously, writing that:

All of my actions as only a member of the world of understanding would therefor conform perfectly with the principle of autonomy of the pure will; as only a part of the world of sense they would have to be taken to conform wholly to the natural law of desire and inclinations, hence heteronomy of nature (...) But because *the world of understanding contains the ground of the world of sense and so too of its laws*, and is therefore immediately lawgiving with respect to my will (which belongs wholly to the world of understanding) and must accordingly also be thought as such, it follows that I shall cognize myself as intelligence, though on the other side as a being belonging to the world of sense, as nevertheless subject to the law of the world of understanding, that is, reason, which contains in the idea of freedom of the law of the world of understanding, and thus cognize myself as subject to the autonomy of the will (...)¹⁰⁴

A being that is *only* a member of an intelligible world would always have its actions in conformity with the autonomy of the will, i.e. the function of reason, and so there would be no such thing as "ought". It would simply just "do" or "be". Without sensibility there is no world to act in and so no means or ends to deliberate about, but when a rational being also have sensibility it is - by observing it's own sensibility by being self-aware - introduced with the categorical and hypothetical imperatives that it *ought* to conform to. It *ought* to do this because the activity of reason is inescapable yet conformity to the principles are not

¹⁰³ Kant has been criticized for writing that we would have been better off without sensibility because it tries to "usurp" the rule of reason and that it is "distraction of morality", but his point is reasonable when we look at the well-being and function of reason in isolation. It is not an argument meant to encourage denial or repression of our sensibility but rather to identify the function and nature of reason and the will as something independent of sensibility.

¹⁰⁴ Kant, *Groundwork of the Metaphysics of Morals*, 4:453 - 4:454

automatic, meaning that the rational animal has to make an effort to live up to them when sensible inclinations make their demands.

Firstly these considerations show that, viewed in isolation, the categorical imperative is made possible and necessary by reason as necessitated self-conscious activity while the hypothetical imperative is made possible and necessary by sensibility. However, it is only when *both aspects are present in a single being* are these imperatives introduced. This means that I was not quite accurate earlier when I wrote that the categorical imperative is the constitutive principle of reason; only rational animals that have an imperfect will is subjected to imperatives.

Second, and most importantly, these considerations show that these two imperatives and the two aspects that make them possible are necessarily *intertwined* and *interdependent*. As Christine Korsgaard writes, the hypothetical imperative is not really a separate principle at all but rather captures the aspect of the categorical imperative that our laws must be *practical laws*¹⁰⁵, i.e. in reference to the sensible world that reason is observing and assessing. So, while the *ground* for obligation is not to be found in the sensible nature of the human being or in the circumstances of the world in which we are placed the empirical world is the very reason we have imperatives at all and is what makes up the *matter* of our self-legislated maxims. Reason and sensibility, when existing together, are actually neither opposing nor competing. They just play different roles in virtue of their metaphysical properties as self-organized existences.

3.4 The constitutive characteristics of the human being

Following the arguments of chapter 2 and so far in chapter 3 we can now turn to the first criteria I raised in the introduction; making a Kantian account of what constitutes human well-being^w. My claim that follows from the arguments so far is that the complete Kantian picture of the human function, of *what it is* to be a human being, is *the asymmetrical and intertwined relationship of reason and sensibility*. It is intertwined because, as I argued above, both aspects *together* necessitates the categorical and hypothetical imperatives that, when we conform to them, render us both autonomous and efficacious. An important result of this is that, as the hypothetical imperative is derived as a necessity of the categorical imperative to reflect that our laws must be practical laws, it means that *failing to be efficacious is also failing at being autonomous*. It is failing to become a cause in the world.

¹⁰⁵ Korsgaard, Self-Constitution, p.70

Much of the literature on Kant has focused on autonomy and reason but we must not forget that the efficacy of our sensible being is also a fundamental part of our moral agency. If we are to succeed in being autonomous we also have to be successful in being efficacious, and to be efficacious and not just a reaction that is being subjected to the random circumstances of the world we have to act autonomously, i.e. being guided by the lawfulness of the will. Thus, the two aspects are interdependent where the realization and success of one is dependent on the other. The moral debate here is not a question of "should we follow reason or should we follow feelings and needs?" as if there would be either-or. These two aspects are not competing nor separate but intertwined and so inseparable, both capturing different aspects of a singular kind of life. Still, this relationship is necessarily asymmetrical in terms of reason, the faculty of willing and so of autonomy, is the only aspect that merits authority to determine the will. Any considerations about our sensible being can only be good by limitation, and this limitation is the framework allowed by the nature of the will, of conforming to the form of law. Only by being consistent in this activity to cognize the world through the representation of laws can we act as a "myself" as a cause in the world instead of simply being a reaction within the causality of sensible constitution. Yet, while it might be correct to say that reason is to rule and that sensibility is to be ruled we must not be fooled or distracted by the implication that the two aspects are separate or opposing. Their relationship is better characterized as a necessitated interdependency, together cumulating into one singular kind of life or existence which is the human being, and the constitutive principle of the activity of "being human" is then the categorical imperative.¹⁰⁶ So even though we have both a sensible and a rational aspect the core of our humanity for Kant is our reason. Fundamentally we are practical, self-legislative beings that exist as an end in ourselves.

There is more support for my argument in Kant's work. In the *Critique of Practical Reason* Kant writes that the moral law provides a fact that is inexplicable from any sensible data. It is a fact that points to a pure world of the understanding and even determines it positively, letting us cognize it namely as a law.¹⁰⁷ Further, in the *Groundwork* he writes that as rational beings we have a capacity to act in accordance with representation of laws¹⁰⁸, meaning that we understand and cognize the world around us in accordance with ends and

¹⁰⁶ The constitutive principle of "being human" is both the categorical and hypothetical imperatives, but as argued earlier the hypothetical imperative is not really an imperative in itself but rather captures the aspect of the categorical imperative that our laws must be practical laws, making it useful for us to speak of both as principles but having to remember that there still is only one constitutive principle.

¹⁰⁷ Kant, *Critique of Practical Reason*, 5:43

¹⁰⁸ Kant, *Groundwork of the Metaphysics of Morals*, 4:402 & 4:412

navigate our actions in accordance with laws that are on grounds independent of sensibility. Kant made a name to describe this "world of understanding" that furnishes the sensible world for us. He calls it *supersensible nature*:

"Now, nature in the most general sense is the existence of things under laws. The sensible nature of rational beings in general is their existence under empirically conditioned laws and is thus, for reason, *heteronomy*. The supersensible nature of the same beings, on the other hand, is their existence in accordance with laws that are independent of any empirical condition and thus belong to the *autonomy* of pure reason. And since the laws by which the existence of things depends on cognition are practical, supersensible nature, so far as we can make for ourselves a concept of it, is nothing other than *a nature under the autonomy of pure practical reason*. The law of this autonomy, however, is the moral law, which is therefore the fundamental law of a supersensible nature and of a pure world of the understanding, the counterpart of which is to exist in the sensible world but without infringing upon its laws."¹⁰⁹

So, even though morality is to be pure in the sense of not being based on, or determined by, sensible and empirical considerations the moral law is still to exist in the sensible world where we are, in addition to be rational beings, also sensible beings that exist under empirically conditioned laws. As a being that is both bound by empirical laws (as a sensible animal) and rational laws (as a self-conscious being that observes our sensible nature and our own understanding) we are then a supersensible being where the moral law constitute the very principle of what we *are* as human beings: We project morality into the sensible world by our understanding of it through representation of laws, cognizing ourselves as end in ourselves as rational beings that are acting in the empirical world while being determined by reason. In other words, on Kant's account we are fundamentally characterized as having an intertwined and asymmetrical relationship between sensibility and reason. We are constituted by the autonomy of the categorical imperative but, as I argued earlier, an aspect of it is the hypothetical imperative; failing to be efficacious, i.e. failing at the hypothetical imperative, is failing at being autonomous in the empirical world that we are acting in. What it means to be a human being is that we are necessitated to the autonomy of the will and that, when we are willing in the empirical world, our efficacy to succeed in the means to promote our end is an intrinsic part of being an autonomous supersensible being.

¹⁰⁹ Kant, Critique of Practical Reason, 5:43

3.5 Supersensible nature and well-being

I find it easier to assess Kant's moral philosophy when including the concept of supersensible nature as we now can refer to sensible nature isolated, rational nature isolated and, when we are discussing the human nature, we can refer to supersensible nature which is both sensible and rational aspects together as existing asymmetrically intertwined.

An obvious move from this is to note that Kant's use of the term well-being, what I call well-being in the narrow sense, refer only to sensibility where a standard of well-being in the wide sense will naturally belong to the supersensible existence. Speaking of well-being^N and the supersensible nature it can be useful to look back at what Kant has written about our well-being:

Certainly, our well-being and woe count for a *very great deal* in the appraisal of our practical reason and, as far as our nature as sensible beings is concerned, *all* that counts is our *happiness* if this is appraised, as reason especially requires, not in terms of transitory feeling but of the influence this contingency has on our whole existence and our satisfaction with it; but happiness is not *the only thing* that counts. The human being is a being with needs, insofar as he belongs to the sensible world, and to this extent his reason certainly has a commission from the side of his sensibility which it cannot refuse, to attend to its interests and to form practical maxims with a view to happiness in this life and, where possible, in a future life as well.¹¹⁰

Our (sensible) well-being do merit attention from our reason, demanding assessment not just based on the standard of it's own internal organization alone but as a part of our whole existence, being an intrinsic part of us as a supersensible being. My argument earlier about the hypothetical imperative and that failing to be efficacious is failing to be autonomous illustrates the importance of this point further. But we have to be careful when arguing for the importance of our sensible well-being, not forgetting the asymmetrical relationship to reason where reason is to have the authority to determine the will. The human being, Kant writes:

(...) is nevertheless not so completely an animal as to be indifferent to all that reason says on its own and use reason merely as a tool for the satisfaction of his needs as a sensible being. For, that he has reason does not at all raise him in worth above mere animality if reason is to serve him only for the sake of what instinct accomplishes for animals; reason would in that case be only a particular mode nature had used to equip the human being for the same end to which it has destined animals, without destining him to a higher end. No doubt once this arrangement of nature has been made for him he

¹¹⁰ Kant, Critique of Practical Reason, 5:61

needs reason in order to take into consideration at all times his well-being and woe; but besides this he has it for a higher purpose: namely, not only to reflect upon what is good and evil in itself as well - about which only pure reason, not sensibly interested at all, can judge - but also to distinguish the latter appraisal altogether from the former and to make it the supreme condition of the former.¹¹¹

Kant is very explicit here on two points. Firstly we are both sensible animals with needs and a rational being that can reflect on these needs, meaning both aspects are intertwined in what constitutes us as human beings and that these aspects are asymmetrical in relation to each other as reason is to be the supreme condition for acting on any considerations of the sensible aspect. Secondly, simply having the capacity of reason is not enough to have a dignity as rational beings. As Robert Louden notes, to simply use reason *instrumentally* as a means to strategize about how to promote sensible needs is different from using reason in a *substantial* way where we deliberate and determine our ends independent from sensible demands.¹¹² The Kantian argument is that reason is an existence and activity in itself that we can be good or bad at in virtue of its own constitutive standard, not in reference to sensible needs reducing it merely to an instrument of sensible causality.

Now, Kant curiously writes that an action having well-being as its end is "nevertheless called good (because rational reflection is required for it), not, however, good absolutely but only with reference to our sensibility, with respect to its feeling of pleasure and displeasure; but the will whose maxim is affected by it is not a pure will, which is directed only to that which pure reason can of itself be practical".¹¹³ The goal would then be, as I am reading this, to aim at what is good with reference to our sensible nature within the scope, or limits, of the form of maxims that are absolutely good. Thus, our maxims can aim at our happiness and well-being^N *provided that* the maxim has the *form of a universal law*. It must always be the *form* of the maxim, never the matter, that is to determine our will. Then, and only then, is the pursuit of sensible needs and preferences moral. Then, and only then, are we good as a supersensible being.

I now find it easy and rather obvious that this account of what it means to be and live as human beings can be placed within the conceptual context of well-being^W. In sections 2.3 and 2.4 I argued that the activity of sensible self-maintenance is a form of life in its own right and that rational activity is a form of life or existence in its own right, both being good

¹¹¹ Kant, Critique of Practical Reason, 5:61 & 5:62

¹¹² Louden, Kant's Human Being, p.xxi

¹¹³ Kant, Critique of Practical Reason, 5:62

in-and for itself in virtue of its internal, teleological organization (its form) that have their respective constitutive principles. Further, as I was stressing earlier the rational and sensible aspects of the human being are not really separate but *asymmetrically intertwined*, making out a kind of life in its own right where reason makes us autonomous and sensibility makes us efficacious, both capturing a different aspect that together make out a particular kind of life; the supersensible existence. The goodness of a human being is then to be measured by the extent one lives up to its constitutive principle, i.e. the categorical imperative, not the two aspects viewed separately. A good will and a good efficacy both, i.e. promoting autonomy and promoting efficacy under the rule of the will, makes a good human being as the person concerned is being good at living up to its constitutive principle.

Remembering the point of departure for Amartya Sen the claim is that functionings, which is multiple ways of "being and doing", are constitutive of a person's being and so well-being has to take the form of an assessment of these constitutive elements, making out the standard of well-being.¹¹⁴ In this chapter I have argued that the constitutive elements of a human being on the Kantian account is the activity constituted by the categorical imperative. This principle explains and guides what we *are* and *do* as a particular kind of life. Thus, our "wellness" or well-being^w is to be evaluated by an assessment of the quality, or of how well, a person is living up to this principle, i.e. rendering oneself autonomous and efficacious. I hope that I have made is sufficiently clear that the categorical imperative, even though it is a law of pure reason, is not simply "a rule devoid of any empirical considerations". As a supersensible being our maxims must both have the form of a universal law *and* we must be able to succeed with our maxims if we are to be considered autonomous agents acting in the empirical world. Sections 3.3 and 3.4 are central to this argument. Thus, goodness and wellness is - as I argued in chapter 2 on sensible and rational existence separately - appropriate terms to describe the state or condition of this internal, teleological organization that constitutes this kind of life. A human being is then "better" and "more well off" the more autonomous *and efficacious* that person is¹¹⁵, living up to its principle as a supersensible nature.

There is still more we can say to make further sense of this account. To reach a more complete account we must understand how the state of *health* in the moral life, according to

¹¹⁴ Sen, *Inequality Reexamined*, p.39

¹¹⁵ Note: Autonomy is belonging to reason and efficacy belonging to sensibility being directed by reason, both capturing a different aspect of the same principle constitutive of our particular kind of life.

Kant, is the tranquil mind with a considered and firm resolution to put the law of virtue into practice.¹¹⁶ If we want to more firmly establish this account of Kantian well-being constituted by the supersensible nature, of how we rationally are to relate to our sensible aspect, we better take a closer look at the most explorative account of how our sensible and rational aspects are related to each other. This account can be found in Kant's doctrine of virtue, of how we as supersensible being are determined to live our lives in terms of *autocracy*.

¹¹⁶ Kant, *The Metaphysics of Morals*, 6:409

4. Capabilities, efficacy and the nature of virtue

4.1 Capabilities and the hypothetical imperative

In chapters 2 and 3 I made my arguments to meet the first criteria raised in the introduction. The Kantian account of well-being^W is made by viewing the human being as a supersensible nature constituted by the categorical imperative. In this chapter, in addition to strengthen my arguments of the first criteria, I will argue for the second criteria: I will make the Kantian account of having capabilities, or efficacy, that not only reflects an increase in real opportunities in our own agency to further pursue well-being^W but that it is also a constitutive part of our well-being^W.

Now, regarding functionings and well-being Amartya Sen writes that a closely related concept is our *capability* to function. Capabilities represents various combinations of functionings that a person *can* achieve and thus reflects a person's freedom, or real possibilities, to lead one type of life or another, meaning that increased capability is an increased scope of being able to both choose and realize how to live your life, to *be* who you want to be and to *do* what you want to do. The concept of Capabilities is introduced and made relevant by the facts that - if well-being is considered important - we firstly need to have the means - and so freedom in terms of real opportunities - in our own person to further achieve valued functionings and, secondly, that choosing in it self has a direct role in well-being as it makes makes a richer, more "well of" life.¹¹⁷

At this point particularly the aspect of efficacy and the hypothetical imperative should have an obvious application in the comparison between Kant and the Capabilities Approach. As a supersensible being, i.e., a rational being that is also a sensible being, we are necessitated not only to the formal lawfulness of the categorical imperative but also to it's aspect that illustrate the necessity of our laws to be practical laws; the hypothetical imperative. Living in an empirical world we must necessarily will the means if we are to be successful in promoting our ends. It is an intrinsic property of the supersensible being that this practical aspects is promoted as failing to be efficacious means, as a supersensible being, we are failing to be a cause in the world that is not determined by sensible causality; we fail at being autonomous. Further, an increase in our efficacy means a larger scope of possible means to succeed in and so an increase in possible ends to pursue. Thus, as the hypothetical

¹¹⁷ Sen, *Inequality Reexamined*, p.39-40

imperative is an innate part of the categorical imperative considerations of the hypothetical imperative falls under the concept of well-being^W, not only instrumentally to achieve more well-being^W but that it is also a part of the standard itself of what it means to be human. For a supersensible being our efficacy, our success and scope regarding the hypothetical imperative, has intrinsic, normative value *in reference to* the categorical imperative. Yet we must still remember that having a good will is the pre-condition of this interrelated relationship. Any *moral* goodness is still ultimately constituted by the function of the will.

However, I have yet to make a fuller and more specific account of what Kant has to say about how and in what direction we are to grow and develop ourselves as a supersensible being, in what way the well-being^W of others are normative to us and how this compare to the concept of capabilities and its normativity. Since the concept of capabilities include different states and quality of our sensible aspect, such as being adequately nourished and being in good health to more complex achievements such as being happy, having self-respect, taking part in community life and so on¹¹⁸ we must dig some more into Kant to see if, and to what extent, his account can be similar and how they differ. It is in the doctrine of virtue in the *Metaphysics of Morals* that we get the richer account of the role and importance of efficacy and our sensible aspect.

4.2 Is Kant's moral theory one of duty or one of virtue?

In the introduction I wrote that while Kant's moral framework is famously known as being deontological, or duty ethics, I do believe that the traditional separation of duty ethics and virtue ethics are not, atleast in Kant's case, warranted and that in general virtue is a key concept in his moral framework. I think this is particularly evident when we move past the metaphysical account of morals and on to how it applies to us as acting agents in the empirical world. I believe it is important to assess this if we are to better understand and argue for Kant's moral philosophy within well-being^W as what we *are* and *do* is constitutive this concept. While the previous two chapters was about arguing for a Kantian concept of well-being^W arguing for Kant's doctrine of virtue will further support that position while it further argues the importance and normativity of efficacy, or capabilities.

Another philosopher that argues for the importance of virtue in Kant's moral doctrine is Robert Louden, where I now want to present a short version of his most important points and arguments before I supply some of my own thoughts on the topic.

¹¹⁸ Sen, *Inequality Reexamined*, p.39

Louden writes that one hallmark of virtue ethics is its strong agent orientation, that the primary object of moral evaluation is the agent¹¹⁹ and that for Kant what is unqualified good is not an endstate nor certain atomic acts in conformity to rules but rather our will as a state of character which becomes the basis for all of one's actions.¹²⁰ He further writes that Kant defines virtue as fortitude to resist urges and inclinations that are opposed to the moral law, that to master one's inclinations and having a constancy of purpose is central to his doctrine of virtue and so moral philosophy as such. Because of this continuous and unavoidable tension between universal reason and subjective inclination the human will is always in conflict and so virtue, the strength of will to master one's inclinations, is key. Virtue is at the heart of the ethical for Kant in the sense that it is the basis for all judgements of moral worth, not in the sense of following specific acts or rules but to guide one's life by respect for rationally legislated and willed laws in accordance with the moral law, i.e. the categorical imperative. But, even if duty and respect to law is what is central to Kant, not "virtue for the sake of virtue", the very essence of moral law and duty is to assess and judge the sensible world by a standard not determined by sensible causality but rather by the activity of reason. As I wrote in section 1.3 Anne Margaret Baxley argued that to judge a feeling simply in virtue of how you feel is not being in control of yourself but rather being thrown around and dictated by the random circumstances of the world. Kantian virtue is not just to be subordinated by the moral law, i.e. living our lives in accordance with reason; virtue is even defined *by* the moral law, that virtue is the strength or force of the will, meaning that the virtuous life for Kant is not a life where you are to blindly follow rules but rather a life where you actively take control of it.¹²¹ To me it seems to make a strong case for putting the Kantian moral agent and its character at the centre of moral evaluation, and if we add my previous arguments on the hypothetical imperative, that for supersensible beings failing to be efficacious is failing to be autonomous, then I find Loudens account very convincing indeed. Duty is the guide of how we *ought* to act where virtue is our *application* and *success* in reference to this guide. Regarding well-being^w our active existence is then best characterized *as virtue*, as living up to the standard (the categorical imperative) of the asymmetrical and interdependent relationship between reason and sensibility that is the supersensible nature.

¹¹⁹ Louden, Kant's Human Being, p.4

¹²⁰ Louden, Kant's Human Being, p.6

¹²¹ Louden, Kant's Human Being, p.6-7

Louden continues by pointing out that a traditional way to part Kantian duty ethics to that of virtue ethics is to point at motivation, an area where Kant seems to clearly distance himself. In virtue ethics we are supposed to be motivated by virtue, virtue for the sake of virtue, but for Kant we should be motivated by duty. However, as I have just discussed and will go deeper into in the next chapter, Kant's focus on duty is not on specific acts or rules but rather to strive for a way of life in which all of one's acts are a manifestation of a character that is in harmony with the moral law. Action by duty in this sense, Louden writes, *is* action motivated by virtue, albeit in a sternly rationalist sense.¹²²

For many this account can still be deemed inadequate. Kant still seems to deny feelings of charity, friendship, courage and the like to have a role to play in our motivation, feelings and motivation which is considered characteristic of any theory of virtue. But, again, we can take a look back at Kant's claim that the state of health in the moral life is a tranquil mind with a firm resolution to put the law of virtue into practice and that, as Baxley argued, a cheerful disposition is necessary for virtue. Louden writes that a feeling of joy is to be accompanied with virtue, that we are to cultivate a habitually cheerful heart. This is not a contradiction to Kant's moral framework in general. The core of Kant's moral doctrine is that our will is to be *determined* by reason, meaning that certain feelings and inclinations that can get in the way must be mastered and feelings and inclinations that encourage us to determine our will by reason is to be cultivated to assist, or at least not stand in the way of, our will.¹²³ Our feelings and inclinations do have an *instrumental* value in reference to how they affect the function of the will, provided that we ultimately act on them *for the sake of* reason. For instance, your love for your friends can help make you aware of your duties towards them where complete indifference to others works against recognizing your duty. We must however beware of the danger of fooling ourselves into believing that we are acting autonomously when we really are determining our will by feelings and inclinations that only *conform* to the moral law but are not *determined* by it for its own sake. However, Louden writes, this is a necessary risk when cultivating virtue.¹²⁴

Another point of departure to analyze Kant's conception of virtue is his commitment to the importance of duties to oneself.¹²⁵ Duties to oneself, Louden writes, are a direct application of the imperative always to respect humanity, both in your own person and in the

¹²² Louden, Kant's Human Being, p.12

¹²³ Louden, Kant's Human Being, p.14

¹²⁴ Louden, Kant's Human Being, p.15

¹²⁵ Louden, Kant's Human Being, p.17

person of any other, as an end in itself. Failing to do so is to throw away one's own humanity and no longer being in a position to perform duties to others. This implies that duties to oneself are the precondition of all duties. This claim is neither surprising nor really complicated when we look thoroughly into Kant. He argues that the crucial concept of duty is self-constraint, to gain control over oneself as a rational being, and how can we expect someone to do what he ought to do or to be responsible for himself if he is not even in control of himself? Kant also defines virtue itself in terms of self-constraint, meaning that a precondition of any duties and so any moral value is that it must be done from a person with the right disposition, i.e. succeeds in being virtuous. Thus in a sense, Loudon writes, Kant defines duty in terms of virtue, rather than vice versa, as critics often allege.¹²⁶ Further, why duties to oneself is the precondition of all other duties and the principium of all morality is because morality does not exist unless and until moral agents develop and exercise their capacities of agency, which is an activity we must do by ourselves through our reason. The chief capacity for this is self-constraint in virtue of determining your will with your reason, not sensible needs or inclinations.¹²⁷

4.3 A doctrine of virtue

There is more to be said in support of Kant's moral theory as a theory of virtue. In section 3.3 I wrote that in the *Groundwork* Kant argued that for any divine and in general a holy will no imperatives would hold as their volition would in itself necessarily be in accord with the law.¹²⁸ In the doctrine of virtue Kant continues on this path by arguing that for any non-holy being, meaning one that *could* be tempted to violate duty, there is a doctrine of virtue.¹²⁹ This is because that, for a being that is necessitated to *practical* reason, i.e. pure reason observing and assessing the sensible world in which he is placed, he is not only subjected to autonomy of practical reason but also *autocracy* of practical reason. Autocracy of practical reason, Kant writes:

(...) involves consciousness of the capacity to master one's inclinations when they rebel against the law, a capacity which, though not directly perceived, is yet rightly inferred from the moral categorical imperative. Thus human morality in its highest stage can still be nothing more than virtue, even if it be entirely pure (quite free from the influence of any incentive other than that of duty). In its highest

¹²⁶ Loudon, Kant's Human Being, p.17-19

¹²⁷ Loudon, Kant's Human Being, p.36

¹²⁸ Kant, Groundwork of the Metaphysics of Morals, 4:414

¹²⁹ Kant, The Metaphysics of Morals, 6:383

stage it is an ideal (to which one must continually approximate), which is commonly personified poetically by the sage.¹³⁰

Virtue is then mastering one's imperfection of being a rational animal that is *constantly* having the threat of sensible impulses to determine our actions, thus undermining our will. This capacity is reasonably inferred from the categorical imperative, I think, because of the arguments I made earlier about the hypothetical imperative, that as an aspect of the categorical imperative it necessitate us to efficacy if we are to be autonomous at all. Further, the highest stage we can aspire to and achieve is to master our sensibility but never completely eradicate its potential threats, meaning that virtue and human moral life is a constant struggle and activity where we *must*, because of the necessitation of our will, cultivate ourselves to be better human beings. We are not to suppress or fight our inclinations but to *master* and *cultivate* them so that we will have *integrity as supersensible beings*, that we must promote both efficacy and autonomy under the guidance and framework of the form of universal law. Again, duty is what we *ought* to do where virtue is our *application* and *success* in doing our duty. For Kant these two concepts belong together.

Kant provides another way of explaining this capacity that is constituted by our intertwined aspects of reason and sensibility. Virtue, he writes, is the strength of a human being's maxims in fulfilling his duty, and the obstacles that determines the strength needed are those of natural inclinations that can come into conflict with the human being's moral resolution. Virtue is then self-constraint in accordance with a principle of inner freedom.¹³¹

¹³² The focus here is on our *maxims*, which he explains in the *Groundwork* as subjective principles of volition that must conform to the objective moral law, i.e. the categorical imperative.¹³³ A more familiar way of explaining maxims is that they are subjective, particular instances of a "do-this-act-for-the-sake-of-this-end" structure¹³⁴, being the laws we make for ourselves to act on. The strength of our maxims are thus firstly having the maxim pass the categorical imperative test, i.e. that it has the form of universal law (that any rational being as such could will it in virtue of being rational, i.e. living up the the constitutive principle of the will), and second that when we have good maxims we must also successfully

¹³⁰ Kant, The Metaphysics of Morals, 6:383

¹³¹ Kant, The Metaphysics of Morals, 6:394

¹³² In a later section in this chapter I will do a more thorough assessment of the concept of duty and why self-constraint, restriction and similar wording is prevalent in Kant.

¹³³ See both the text and the footnote. Kant, Groundwork of the Metaphysics of Morals, 4:401

¹³⁴ Korsgaard, Self-Constitution, p.10

enforce them, rendering ourselves efficacious and autonomous. Failing at the means to our ends mean we fail at the very maxim itself.

Still, while there has been a focus on virtue as self-constraint, where the part of us that we are to constrain is our sensible aspect, Kant writes that the *true* strenght of virtue is a *tranquil mind* with a considered and firm resolution to put the law of virtue into practice.¹³⁵ This claim should not be surprising nor particularly controversial to argue for by now as it should be firmly established that the interdependent relationship of reason and sensibility, which makes out the human condition now known as a supersensible nature, means that reason and sensibility are not directly opposed to each other nor competing. The terms self-control and self-constraint reflects the fact that reason holds the authority of *determination* even though our inclinations make their demands. What Kant objects to in the non-autocratic person is not that she has inclinations but that she gives them an authority and privileged status that they do not merit in a rational being.¹³⁶ In themselves inclinations are (functionally) good insofar as they maintain our function as a sensible being but they cannot constitute *moral* goodness, which is the higher and necessitated authority in a supersensible being in virtue of reason. The correct way to view our feelings, inclinations and needs is then not that they should be suppressed or overlooked but rather that they should be *assessed on moral grounds*, not be given an authority in themselves as the function of sensible existence is not a part of the function of the will. Self-constraint further reflects that only the good will can be good without limitation. Anything else is only good *by* limitation, and these limits and constraints are decided by the framework allowed by the good will. Further, that a tranquil mind with a considered and firm resolution to put the law of virtue into practice is called the *true* strenght of virtue reflects the fact that the autonomy of the will is intertwined and interdependent on the efficacy of our sensible nature, meaning that a true *integrity* of our being is that our sensibility can live up to the maxims that we are willing, both by having it in our powers to do the necessary means but also that our personal preferences and inclinations does not stand in the way of our will, actively trying to usurp the authority of determination for themselves or passively making problems by having a grudgingly attitude toward your duty.

¹³⁵ Kant, *The Metaphysics of Morals*, 6:409

¹³⁶ Baxley, *Kant's Theory of Virtue*, p.68

Kant further writes that the capacity to set oneself an end is what characterizes humanity,¹³⁷ and with this there follows a duty to cultivate the crude dispositions of our nature to promote our capacity to *realize* all sorts of possible ends.¹³⁸ Thus, while our sensible aspect *might* tempt us to transgress on our duty we can also cultivate our natural abilities and dispositions to respect and so actualize, or realize, what the moral law demands of us. Kant writes that there are two things that are necessary for inner freedom, i.e. having a good (free) will; one needs to be one's own master and one needs to be *ruling* oneself. Having both these states, he writes, one's character is noble where in the converse states it is mean.¹³⁹ It is not enough to just be your own master, to have authority over oneself, but also that you actively rule yourself, meaning you are able and responsible for actual changes in the world guided by your own autonomy. Ann Margaret Baxley writes that the Kantian autocratic agent is not one who exaggerate or suppress her feelings and inclinations, nor is she moved or (seriously) tempted by feelings or inclinations to disturb the authority of self-rule.¹⁴⁰ Acting according to duty, but doing so with a cheerful disposition is a sign of moral integrity while grudgingly or resistantly acting according to duty indicates a lacking virtue in one's character.¹⁴¹ She writes that such a virtuous character involves a well-developed sensible nature that is dependent on three factors. First we have to control unruly feelings and inclinations, second we have to maintain feelings and inclinations that accord with duty, and third we have to cultivate further our natural capacities to feelings and inclinations that favour duty. To succeed in doing our duty when inclination makes their claims on us is to live virtuously, and since we are unholy, finite beings life can never be anything higher, or better, than one of virtue.

Even though we are not holy or have empirical knowledge of the existence of any such being Kant still writes that a holiness of the will is nevertheless a practical idea that must necessarily serve as a model for finite rational beings to aim for. This means that for human beings:

" (...) the utmost that finite practical reason can effect is to make sure of this unending progress of one's maxims toward this model and of their constancy in continual progress, that is, virtue; and virtue

¹³⁷ In the Groundwork this is explained as rational beings having the capacity to act in accordance with the representation of laws. See Groundwork of the metaphysics of morals, 4:412 - 4:413

¹³⁸ Kant, The Metaphysics of Morals, 6:392

¹³⁹ Kant, The Metaphysics of Morals, 6:407

¹⁴⁰ Baxley, Kant's Theory of Virtue, p.75 and p.82

¹⁴¹ Baxley, Kant's Theory of Virtue, p.102

itself, in turn, at least as a naturally acquired ability, can never be completed, because assurances in such a case never become apodictic certainty and, as persuasion, is very dangerous".¹⁴²

Since we understand the world through the representation of laws and in accordance with ends that are to be good in-and for themselves as a continuous self-maintaining cycle it seems reasonable that this unending project is a necessary result of our condition. Even if we cannot attain a perfect will the constitutive principle of the will necessitate us to constantly work to master our sensible aspect as there is nothing else that has the authority to guide us as being good in itself without limitation. The proper moral condition of a human being is virtue, that is, moral disposition *in conflict*, not holiness in the supposed possession of a complete purity of dispositions of the will.¹⁴³ We must live our lives with this conflict knowing that it will never end while we still work toward mastering it.

4.4 On autonomy and autocracy

Ann Margaret Baxley stresses that *autocracy* is the specific term Kant uses to portray the moral self-constraint or self-mastery that virtue entail.¹⁴⁴ Failure to acquire autonomy and autocracy is to surrender one's authority over oneself, becoming a "plaything" of the forces and impressions of the sensible world, allowing oneself to be dependent on the chance of circumstances instead of being subjected to one's own free will.¹⁴⁵ Yet there is an important difference between the two concepts that we need to be aware of. The best way to characterize the difference between autonomy and autocracy, according to Ann Margaret Baxley, is that autonomy is the legislative power, the one where we are *making* good maxims for ourselves while autocracy is the executive power, the one that *enforces* and *enacts* the maxims.¹⁴⁶ The good will that render us autonomous represents the core, distinguishing feature of a morally good person, but virtue in terms of *autocracy* is something over and above the good will.¹⁴⁷ We can make further sense of this by remembering that Kant wrote that as only a member of the world of understanding, as a rational being, actions conform to the principle of autonomy of the will while as only a member of the sensible world actions conform wholly to the law of heteronomy, of inclination and desire. However as a being that

¹⁴² Kant, Critique of Practical Reason, 5:32-5:33

¹⁴³ Kant, Critique of Practical Reason, 5:84

¹⁴⁴ Baxley, Kant's Theory of Virtue, p.51

¹⁴⁵ Baxley, Kant's Theory of Virtue, p.54

¹⁴⁶ Baxley, Kant's Theory of Virtue, p.59

¹⁴⁷ Baxley, Kant's Theory of Virtue, p.45

is, at the same time, both a rational and a sensible being we do not conform perfectly to the principle of the autonomy of the will.¹⁴⁸ I believe that while autonomy best describes the good will, the function of rational nature, the concept of autocracy better captures the function of supersensible nature; to functionally be a good human being we don't merely have to be autonomous in our will; we have to be autocratic in terms of having a good will *and* in having an appropriate and adequate efficacy to enforce it. Thus, when we move from the mere metaphysics of morals and to its active life for a human (supersensible) being it is *autocracy* that best describes our condition, not merely autonomy. Acquiring virtue in terms of autocracy is to realize what makes us human. It is to realize our nature.

There is an important similarity I want to draw here to the prior discussion of autonomy and efficacy on the one hand and the categorical and hypothetical imperatives on the other: While autonomy is a capacity possessed in virtue of our will and is realized by practical reason autocracy is acquired and actualized through empirical self-discipline and self-cultivation *guided by* the good will. Now, firstly it is important to note that autonomy is a prior and necessary condition of autocracy, but autonomy does not in itself entail autocracy; there could exist holy or divine rational beings that perfectly conform to the autonomy of the will without any temptations at all. In the case of imperfect rational beings situated in the empirical world that *could* be tempted by (sensible) impulses to transgress duty the self-legislative powers of autonomy constitutes the framework that provide the limits and direction of which we are to cultivate ourselves and discipline ourselves so that our sensible being can work in tranquil concert with the authority of the will. Second, since we are necessitated to *practical* laws the strength of our wills are then dependent on two factors; first it's own autonomy that render us self-legislative and second on the state and condition of our sensible being, rendering us efficacious. As a rational being situated in- and observing the empirical world, failing to be efficacious in accordance with the moral law is to fail at being autonomous. Thus, our integrity as supersensible beings and our virtue as moral agents depend on our success in attaining autocracy where autonomy is a precondition but *not the complete and sufficient condition*.

Let's review these considerations with a more concrete and contextualized example. Kant writes in the *Groundwork* that there is a duty to assure one's own happiness as we "under pressure from many anxieties and amid unsatisfied needs, could easily become a great

¹⁴⁸ Kant, *Groundwork of the Metaphysics of Morals*, 4:453 - 4:454

temptation to *transgression of duty*".¹⁴⁹ One such duty to ourselves as an animal being is to not mutilate ourselves¹⁵⁰, yet a familiar phenomenon in modern times is when individuals with, for instance, deep depression, anxieties and/or social neglect could turn to indulging in self-mutilation like cutting one's own wrists or arms (or other places on the body). This is an inclination that could not be approved by the categorical imperative as it undermines our duty to ourselves as an animal being yet it can be strong enough to determine and endorse the act for some, usurping the rule of reason and so acting without moral worth. As a moral matter this is something we would want to discourage and avoid in ones own person and in others. However, to overcome such a moral tragedy it is clearly not sufficient for the agent himself to simply state his obligations not to cut himself, nor would it be sufficient to simply hear this from another person as his natural inclinations is in such a state that it is not so easily overcome. It is a matter of pure reason to constitute moral worth, but this clearly cannot be the whole story if our sensible being either directly or indirectly can oppose the moral law. Kantian ethics is not simply about knowing our duties but also *ensuring* that we have the sufficient states of mind, body and spirit as means to all sorts of possible ends.¹⁵¹ Our complete existence as supersensible beings necessitates it.

A further point I want to make from this is that Kantian morality is not just about the decisions you make then and there in difficult situations but also has a strong interest in how we cultivate ourselves as moral beings over time, understanding our minds and bodies so that we can prevent states that goes against virtue, promote states that support virtue and, when we transgress on duty, how we can rectify it and prevent relapses. How you choose to spend your comfortable spare time, if you use it to develop yourself or to simply stay idle and "rust away", will obviously impact what you are capable of when the more demanding moral situations occur. Further, Kant did write that the (moral) task of anthropology is to identify what it is about our particular biological species of rational beings that makes it hard or easy for us to act morally.¹⁵² A person's capacity, or capability, to avoid self-mutilation is determined not only by his knowledge and awareness of the moral law but by that person's control and mastery over his own emotional and psychological health, i.e. the condition of his animal nature. If we are to respect well-being^w - which is measured by the quality of what constitutes our very existence, i.e. the intertwined and asymmetrical relationship of our

¹⁴⁹ Kant, Groundwork of the Metaphysics of Morals, 4:399

¹⁵⁰ Kant, The Metaphysics of Morals, 6:421

¹⁵¹ Kant, The Metaphysics of Morals, 6:444

¹⁵² Loudon, Kant's Human Being, p.55

sensible and rational aspects - then we have to prevent states of mind and body that threaten the rule of reason, aiming at reaching a tranquil mind that works in concert with reason. The converse would be something that corrodes our very being. I must add that, naturally, in the making of these decisions, in making the maxims that we are to act upon, they have to first and foremost be in accordance with the moral law, not the empirical considerations in themselves. It is easy to follow Schiller's intuition that sensibility must harmonize with reason¹⁵³ as if they were on an equal footing but we must remember that reason and sensibility exists in an asymmetrical relation where reason is the function of the will and where sensibility can only play a supportive role, never to have moral value in itself.

On this account, when arguing more specifically on how we are to go about living our lives and socialize with others a plausible approach could be to focus firstly on circumvention and facilitation and secondly on further cultivation of states of mind, body and spirit to respect the autonomy of the will with a tranquil and joyful disposition. We could however object and say that this does not seem all that clear. After all Kant do claim that the moral life of human beings, even in its highest stage, cannot be anything more than virtue¹⁵⁴, and he further argues that virtue is the strenght of a human being's maxims in fulfilling his duty.¹⁵⁵ Is it not a contradiction that we are supposed to be both tranquil and joyous while constantly showing strenght by fighting the conflict in ourselves?

Not necessarily. I do not believe that Kant means that we are to strive for a life with as much conflict as possible to show of our strenght of virtue. Rather I think he tries to show the opposite, that while virtue is unavoidable and that virtue is best shown, or expressed, when facing a struggle the moral "hero" is not one that fights and win a brutal and dramatic battle with himself but rather a person that respect and applies the moral law without the drama of fighting for his own integrity. Baxley writes that in his lectures on ethics Kant argues that the ideal form of virtuous self-governance is where we do it in accordance with freely adopted moral principles while possessing an inner freedom that makes triumphs over oneself unnecessary.¹⁵⁶ Like an autocratic city-state the autocratic and virtuous person is not to be in a war with oneself and so need no victory over oneself; we should primarily not look to overcome our passions but rather nip them in the bud, to use the best of our ability to avoid the threats of conflicts to begin with by cultivating ourselves in accordance with reason,

¹⁵³ Baxley, Kant's Theory of Virtue, p.85

¹⁵⁴ Kant, The Metaphysics of Morals, 6:383

¹⁵⁵ Kant, The Metaphysics of Morals, 6:394

¹⁵⁶ Baxley, Kant's Theory of Virtue, p.77

having the good will as the final and ultimate good. Kant's main point regarding virtue as a neverending struggle is that there is a constant *possibility*, or constant *threat*, of our inclinations taking control. How great or small this possibility and threat is depends on our autocracy. The Kantian autocratic agent, Baxley writes, is not one who exaggerate or suppress her feelings and inclinations, nor is she moved or (seriously) tempted by feelings or inclinations to disturb the authority of self-rule.¹⁵⁷ We are not talking about a 50-50 chance of the agent being able to act morally but rather that the threat is so small that, while it is still there, it is negligible. The highest stage of virtue is to reach this relaxed and tranquil state that smoothly respect and apply the moral law.

4.5 *Why we should be capable*

There is an important difference between Sen's capabilities and Kant's autocracy that need to be discussed, and that is capabilities as real opportunities to lead one kind of life or another on the one hand and autocracy as *willing* and *enforcing your will* on the other. Both concepts relate to freedom but they do it in fundamentally different ways that is important to consider.

Capability to function, Sen writes, represents various combinations of functionings that a person can achieve and so reflects a person's freedom to lead one type of life or another that they choose. Capabilities are also more important and normatively central than simply *achieved* functioning.¹⁵⁸ This is understandable. If we only were to focus on achieved functionings we leave open the question of how people are to be treated to get these functionings and we also have to answer whom and to what extent others are to provide functionings for each other. Focusing on capabilities however firstly provides dignity to the individual, making them as self-sufficient as we can be in an interdependent world and society instead of, as Anderson argued against, allowing asymmetrical relationships where some have to bow and beg to get their voices heard, being treated as inferiors by others who place themselves as superiors. Secondly it allows for the individual to choose and work for ones own well-being and further functionings, only demanding from others that they can either provide or atleast not actively hinder them from having a certain minimum of capabilities.¹⁵⁹ Third, capabilities are in different ways a part of our well-being as reflective choice and the dignity and independence to act on one's own will makes a richer life. Thus,

¹⁵⁷ Baxley, Kant's Theory of Virtue, p.75 and p.82

¹⁵⁸ Sen, Inequality Reexamined, p.40

¹⁵⁹ What this minimum would be is a question both Sen and Anderson has left open for now, but the core normative arguments of both based on equality as respect for what constitutes our very being support that one such mininum must be discussed and will ahve normative value.

Sen argues for a *freedom as opportunities* that are constituted by having the absence of empirical considerations, both externally and internally, which could restrict you from achieving what you would choose to achieve by your own volition, of what you want to *do* and who you want to *be*.

Kant however, although we can recognize some similarities, had a different idea. Capability, or efficacy, is also for Kant an innate property of what makes us who and what we are as it directly affects our autonomy as supersensible beings. Having the efficacy in our own agency directly impact our moral character, the scope of moral maxims we can actualize and enforce. For Kant achieving and expanding the extent of our autonomy is to realize the human nature, reaching a higher stage of what we *are* as an existing being, where ultimately any considerations of our sensible aspect and the world we are acting in must be assessed through the function of the will:

The lawgiving form, insofar as this is contained in the maxim, is therefore the only thing that can constitute a determining ground of the will (...) Thus freedom and unconditional practical law reciprocally imply each other.¹⁶⁰

Freedom of the will is freedom from what is empirically determined but it is still a causality in its own right, i.e., it contains limitations. This is why we can argue that there is a freedom of the will while acknowledging sensible causality, but this freedom has to be understood in terms of duty and limitations. Freedom of the will is not "freedom to do what you want" and so the Kantian moral framework reaches a different conclusion than that of the Capabilities Approach. The very idea of freedom as "doing what you want" becomes a contradiction within Kant's philosophy as "what you want" is just a result of sensible causality, not something you, as a unified supersensible whole, has decided worthy on grounds other than sensible determinism. "What I want" is just consciousness of a sensible *reaction* of your circumstances, not an expression of your personality as a supersensible being. For Kant what you *want* has no moral authority in itself, only what you can *will*, and so our autonomy can never be a pre-condition to promote our preferences. While there is latitude on how to live our lives, that we can make personal objects of choice the matter of our maxims, they are only permissible if the maxims have the form of universal law. Our efficacy, or capabilities, is ultimately for the sake of the moral law, of the function of the will.

¹⁶⁰ Kant, Critique of Practical Reason, 5:29

5. Duty, universality and well-being

5.1 Duty and virtue

A key concept in Kant is *duty* and in any assessment of Kant's moral philosophy I find it relevant to include some attention to it as it is at the heart of normativity and the supersensible condition. Particularly for my own project I find such an assessment necessary in order to defend the Kantian account of well-being^W and capabilities to further pursue well-being^W where our capabilities is also a constitutive part of said well-being^W. The third and last criteria I made in the introduction states that such an account must be established within the traditional Kantian framework of duty and universal law. Even though the previous chapters has strongly implied an answer to this criteria I will further defend my Kantian account of well-being^W in this chapter by arguing how and why duty and the universality of the will is a necessary result of what is means to be a supersensible being.

Firstly, the term "duty" has met a lot of hostility and has been a target for much of the criticism turned towards Kant. Initially the word "duty" can have negative associations that in turn can affect how we interpret the word and what we believe it will amount to in moral philosophy. Marcia Baron writes that the word duty brings to mind associations such as having to pay your taxes, return borrowed items promptly, keeping appointments and the like. The word suggests tasks that one performs perfunctorily, such as institutional responsibilities and expectations that one has to live up to. Terms such as "military duty" further adds to the word being related to something external that is forced upon you whose authority you have to follow almost blindly and without question, limiting your freedom to do what you really want.¹⁶¹ Much of the interpretations and subsequent criticism of Kant seems to have adopted this view and questioned where this "external" obligation comes from. For instance, if we are our own lawmakers that also can revise our laws and make new ones, how can we really be obligated to ourselves in any meaningful way? But, as I will show shortly, for Kant duty is not external or something to be followed blindly, nor does it limit your freedom. It will turn out to be quite the opposite.

Kant writes that the good will, as the only thing that is good without limitation, must be the condition of every other good, even of all the demands of happiness.¹⁶² He further

¹⁶¹ Baron, Marcia W. 1995. *Kantian Ethics Almost without Apology*. Ithaca, NY: Cornell University Press, p.15-16

¹⁶² Kant, *Groundwork of the Metaphysics of Morals*, 4:396

writes that cultivation of reason, which is requisite and unconditional, limits in many ways the attainment of happiness, which is always conditional. That is not to say that happiness is bad - I have mentioned earlier that we have an indirect duty to secure our happiness to avoid transgression on the moral law and that a tranquil mind is a sign of moral integrity - but that it is always conditional and subordinate to the activity of reason. So, Kant writes, in order to explicate the concept of a will that is to be esteemed in itself under certain subjective limitations and hinderances (sensible inclinations) he sets before himself the concept of *duty*.¹⁶³

The key to understanding duty is to remember that as supersensible beings we are unholy, i.e., it is always *possible* for our inclinations to conflict with the moral law¹⁶⁴ and so tempt us to determine our will based on their (inappropriate) authority. The argument should be familiar by now: We are necessitated to our will and we can be either good or bad at it's characteristic activity. Since the constitutive principle of the will itself, its function, is lawfulness then our only option as a being that have freedom from sensible causality in our agency is to follow it's command, i.e., it's *imperative*. Thus, duty as self-constraint is not self-denial but rather freedom as taking control of your agency. As argued in section 4.5, our freedom from sensible causality is by turning to rational causality, meaning we have to restrict our sensible impulses when determining our will if we are to be acting freely. As a supersensible nature, to follow duty is really to be human in a more complete sense. It is, as I argued in the previous chapter, how we ought to act where virtue is our application and success of it.

Christine Korsgaard writes that if we are to act as agents, as someone whom we can attribute the movement to as being its *responsible* author, then the act needs to be an expression of a unified self, not just a product of some force that is at work *on* or *in* the agent.¹⁶⁵ This is applicable to my previous arguments on supersensible nature and virtue as being autocratic; when we act it has to be from an integrated whole, a *myself* who acts, and as a constitutive element of our human condition is the activity of self-conscious deliberation, which is an activity in itself independent of our animal nature, then we have to be good at this to be something more than just a animal acting on instinct and initial reaction in virtue of sensible causality. Ann Margaret Baxley writes that duty has a *regulative* role that guarantee

¹⁶³ Kant, Groundwork of the Metaphysics of Morals, 4:397

¹⁶⁴ Baxley, Kant's Theory of Virtue, p.111

¹⁶⁵ Korsgaard, Self-Constitution, p.18-19

that our actions accords with moral considerations¹⁶⁶, and as the categorical imperative itself is not an explicit rule but rather a *test* to evaluate the moral value of your maxims¹⁶⁷ - i.e., that they have the form of universal law - then morality can rightly be called an *obligation* and a *restriction* because we are necessitated to restrict our initial (sensible) impulses and inclinations if we are to be responsible and willing agents at all.

While inclinations and empirical considerations do make out the *matter* of our maxims it is the moral law that constitutes its *form*, giving our actions moral value. In *The Metaphysics of Morals*, in what I take to be a critical passage regarding the role and nature of duty, Kant writes that the very concept of duty *is already* the concept of a necessitation of free choice through the law.¹⁶⁸ He writes that this constraint that duty is supposed to be is made known through the categorical nature of the moral imperative. In other words, when we view reason as an activity in itself that we are necessitated to, independent and preceding of what our sensible needs, preferences and inclinations are, then we obviously have to restrain any sensible impulses that threaten the internal organization of reason that makes out a good will. Since the will is the source of everything that is good then ensuring the internal organization of the good will is primary. Duty is then buildt into our very existence as supersensible beings; it is an internal property, or qualification, of what it means to *be* human.

Duty is thus important to virtue and normativity in general. Duty and constraints are though only applicable to rational *imperfect* beings, i.e. supersensible beings as they are those that are, according to Kant, unholy enough that pleasure can induce them to break the moral law or following it reluctantly even though they recognize its authority.¹⁶⁹ For any holy or divine rational being duty would be nonexistence because they would automatically conform to the autonomy of reason. Since the moral law is given by pure reason it applies also to all finite rational beings in virtue of being rational, and for any finite rational being, like the human being, the law has the form of an *imperative*. This is because that even though we can presuppose a *pure* will it can still be challenged and affected by sensible needs and motives, meaning it will never be a holy will, that is, a will that would not be capable of having any maxims conflicting with the moral law. So for finite, rational beings the moral law is:

¹⁶⁶ Baxley, Kant's Theory of Virtue, p.26

¹⁶⁷ Baron, p.15

¹⁶⁸ Kant, The Metaphysics of Morals, 6:379

¹⁶⁹ Kant, The Metaphysics of Morals, 6:379

(...) an *imperative* that commands categorically because the law is unconditional; the relation of such a will to this law is *dependence* under the name of obligation, which signifies a *necessitation*, though only by reason and its objective law, to an action which is called *duty* because a choice that is pathologically affected (though not thereby determined, hence still free) brings with it a wish arising from *subjective* causes, because of which it can often be opposed to the pure objective determining ground and thus needs a resistance of practical reason which, as moral necessitation, may be called an internal but intellectual constraint.¹⁷⁰

Kant further writes that the moral law for the will of a perfect being is a law of holiness, but for the will of a finite rational being it is a law of duty, of moral necessitation and of the determination of his action through respect for this law and reverence for his duty.¹⁷¹ This makes sense. After all, both "duty" and "ought" are terms that only make sense when there is a struggle or conflict where there is supposed to be a standard that identifies the right, or good, choice. If there were no struggles or conflicts between considerations to determine our will we would perfectly conform to our constitutive principles; for rational existence it is autonomy and for sensible existence heteronomy. As a supersensible existence however we need to work towards autocracy: We have a consciousness of the causality of the will, which constitutes a freedom from the causality of sensible nature. We are aware that we can act from grounds that are not based on inclinations in themselves. This awareness of a freedom of the will in turn makes us conscious of the struggle to determine our will by reason instead of inclination. This struggle is unavoidable and neverending but we still *must*, or have a duty to, determine our will by reason *in virtue of necessitation*. As members of the intelligible world that at the same time regard ourselves as members of the sensible world our moral "ought" is simply the necessary "will".¹⁷² Since this directly apply to our constitutive principle as supersensible beings, to the categorical imperative, then it is also constitutive of our well-being^w.

Kant writes that as it is the impulses of nature that make out the obstacles in a human's mind to his fulfilment of duty the capacity and considered resolve to withstand what opposes the moral disposition within us is virtue. He further writes that the part of the general doctrine of duties that brings inner freedom under laws is then a doctrine of virtue¹⁷³, arguing that duty and virtue is closely connected. Virtue is the doctrine considering our capacity to

¹⁷⁰ Kant, Critique of Practical Reason, 5:32

¹⁷¹ Kant, Critique of Practical Reason, 5:82

¹⁷² Kant, Groundwork of the Metaphysics of Morals, 4:455

¹⁷³ Kant, The Metaphysics of Morals, 6:380

bring about inner freedom, being more than just descriptive of the metaphysics of what morality is but also a more specific guide on what the moral and free life consists of by also including our sensible abilities, our capabilities. This guide is appropriately characterized by the terms duty, obligation and limitation as only by restricting our sensible impulses can we be respecting the moral law and truly act freely as ourselves.

5.2 *Universality of the will and law-making*

The previous account of duty easily meets the objection that argues, "if a lawgiver has the authority to make laws then the same lawgiver should also be able to undo them or revise them, thus never really be under any obligations". Kant anticipated this problem, writing that if the "I" that imposes obligation were also the one whom is put under obligation we would meet a contradiction.¹⁷⁴ What this objection fails to do is to understand the metaphysical properties that the Kantian account hold. The ultimate authority of lawmaking is not in the preferences or opinion of the lawmaker but in his *will*, and as the function and normative standard that constitute willing is an internal property of rational activity this means that there are *formal restrictions of what qualifies as a law at all*, independent of the lawmaker herself as a sensible being. The objection seems to suppose that as lawmakers we make laws on a whim, having the law being whatever we sensibly fancy at the moment without being subjected to a universal standard of what qualifies as at law. As our own lawmakers we make maxims, but a maxim only qualifies as a law if it passes the test of the categorical imperative, and this is where we fundamentally are restricted. Kant writes:

If a rational being is to think of his maxims as practical universal laws, he can think of them only as principles that contain the determining ground of the will not by their matter but only by their form.

The matter of a practical principle is the object of the will. This is either the determining ground of the will or it is not. If it is the determining ground of the will, then the rule of the will is subject to an empirical condition (to the relation of the determining representation to the feeling of pleasure or displeasure), and so is not a practical law. Now, all that remains of a law if one separates from it everything material, that is, every object of the will (as its determining ground), is the mere *form* of giving universal law. Therefore, either a rational being cannot think of *his* subjectively practical principles, that is, his maxims, as being at the same time universal laws or he must assume

¹⁷⁴ Kant, *The Metaphysics of Morals*, 6:417

that their mere form, by which they are fit for a giving of universal law, of itself and alone makes them practical laws.¹⁷⁵

While our maxims contains empirical considerations as it's matter the maxim is to be determined by the form of universal law, which is a standard that does not belong to the empirical world. This means that we are restricted *from the very beginning* in virtue of the function of reason before we even deliberate about means and ends in reference to the empirical world and sensible inclinations.

Kant further writes that the problem we are faced with, supposing that the will is free, is that we need to find the law that alone is competent to determine it necessarily:

Since the matter of a practical law, that is, an object of maxim, can never be given otherwise than empirically whereas a free will, as independent of empirical conditions (i.e., conditions belonging to the sensible world), must nevertheless be determinable, a free will must find a determining ground in the law but independently of the *matter* of the law. But, besides the matter of the law, nothing further is contained in it than the lawgiving form. The lawgiving form, insofar as this is contained in the maxim, is therefore the only thing that can constitute a determining ground of the will (...) Thus freedom and unconditional practical law reciprocally imply each other."¹⁷⁶

Kant is very explicit on this point, repeating himself over and over to make sure it sticks. The will, he writes, is thought as independent of empirical conditions and hence, as a pure will, as determined *by the mere form of law*, and this determining ground is to be regarded as the supreme condition of all maxims. Further, since pure reason is practical of itself and alone it gives (to the human being) a universal law, which we call the *moral law*.¹⁷⁷ The moral law is the constitutive principle of a rational view on the empirical world, of cognizing the world through the representation of laws and ends, and as an existence in itself rational activity, which is necessitated, commands absolutely. Further:

Now it is indeed undeniable that every volition must also have an object and hence a matter; but the matter is not, just because of this, the determining ground and condition of the maxim; for if it is, then the maxim cannot be presented in the form of giving universal law, since expectation of the existence of the object would then be the determining cause of choice, and the dependence of the faculty of desire upon the existence of some thing would have to be put at the basis of volition; and since this

¹⁷⁵ Kant, Critique of Practical Reason, 5:27

¹⁷⁶ Kant, Critique of Practical Reason, 5:29

¹⁷⁷ Kant, Critique of Practical Reason, 5:31 & 5:32

dependence can be sought only in empirical conditions, it can never furnish the basis for a necessary and universal rule.¹⁷⁸

When we discuss the will and lawmaking in Kant we must not confuse "what I want" with "what I will". Reviewing ones preferences and weighing them against each other to end up with pursuing one of them is not the same as willing. To will something you must conform to the moral law because that is what the functional activity of willing *is*. What you *want* is a result of sensible causality; what you *will* can only be a result of rational causality. The former can furnish the matter of our maxims but only the latter can determine them by having lawgiving form, yet the challenges of living morally occur since we do not conform to the causality of reason as easily as we do to the causality of our sensibility. Thus, the authority of endorsing or rejecting your preferences and inclinations are not to be found within your sensible impulses or preferences but rather outside of that sensible causality, i.e., by the function of reason.

While we are to determine our will for the sake of reason if we are to be willing and so act freely at all our will and our maxims are, in one sense, not really limited as being "our own." While every human being might have different inclinations and preferences we do have one thing in common, and that is this rational activity that constitute the will. How we do this activity is apparently very different from person to person where we can be better or worse at doing it in highly diverse ways, but it's constitutive principle and so the normative standard that comes along with it is still objective and applies to every rational being. As I argued earlier in section 2.4, reason is self-conscious activity and, even though we observe our own sensible constitution, what we observe in ourselves does not define or constitute the ability or activity of observation in itself. Any self-directed activity such as reason is to be normatively judged in itself, not by what it produces or results in.

As rational beings we all share this activity constituted by the moral law, and this has important consequences. It means that any maxims that is determined for the sake of the moral law qualifies as an obligation *in general*, meaning it has authority and so is binding for *every* finite, rational being in virtue of its lawfulness. When asking, "how ought *I* to act", one is really asking, "how ought *any* person, being a person *as such*, to act". How we ought to act when interacting with ourselves and how we are to act when interacting with others are, ontologically speaking, the same. Maxims that lives up to the categorical imperative are normative for everyone *independent of whom makes them* because they have their authority

¹⁷⁸ Kant, Critique of Practical Reason, 5:34

in virtue of being a universal law, a causality that is independent of empirical considerations and so shared between every rational being even though they also are sensible. Granted, maxims are subjective in terms of their matter being chosen by subjective sensible causality, for instance "*I shall visit my friend at the hospital because I want him to feel better*", but any maxim is still made universal by being determined by reason, having the form of universal law. This is how we assess and are to live in reference to the empirical world that we are situated in. Now, this does not mean that everyone has to visit *my* friend at the hospital or that they ought to get a hospitalized friend themselves that they can visit because my maxim is lawgiving to everyone; it only means that my maxim is normative to them in the sense that they cannot deny or hinder me in doing that action. They are obligated to not stop me from pursuing my end.

I believe the same argument is made by Christine Korsgaard. She writes that our reasons must be public reasons¹⁷⁹, meaning that they have a force not based on our private interests but that it belongs to everyone and so can be normative for everyone. We must be able to take another's reason as our own, and vica versa. She writes that "if I am to think that I have a reason to shoot you, I must be able to *will* that you should shoot me." Only this conception of reasons can be universalized and have a normative force that promotes the autonomy of the individual. To treat a person as an end in him-or herself is to treat them as a source of reasons, i.e. as them having a will that is legislative for yourself.¹⁸⁰ The only way that someone else can have a legislative force on me is when they are willed autonomously, and when I am recognizing a normative maxim, independent of its origin, I am only acting autonomously when respecting it. To not do so would be to make an exception of myself because of my own sensible inclinations and so failing at conforming to my constitutive principle as a supersensible existence in virtue of failing at my rational aspect.

Again we must remember that there is a difference between "wanting" and "willing". In Korsgaards example, if I were to think that I have reason to shoot you I must also be able to will that you should shoot me. The maxim here does not fail because I obviously would not *want* anyone to shoot me. It fails because of its practical contradiction; it undermines the self-maintaining form of my supersensible nature that is an end in itself. In a similar example, one of wanting to end one's own life, Kant writes that the maxim is determined when we ask ourselves what it would have to be in order that a nature should maintain itself in accordance with such a law. It is obvious that in such a nature no one could end his life at will because

¹⁷⁹ Korsgaard, Self-Constitution, p.191

¹⁸⁰ Korsgaard, Self-Constitution, p.192

such an arrangement would not be an "enduring natural order".¹⁸¹ In other words, as nature means the existence of things under laws, the immorality of ending one's own life is that it is contrary to an internal, self-maintaining order that has a constitutive law, or principle. As a supersensible nature it is not only contrary to our sensible nature but, most importantly, to the rational nature of our will. While someone could, through their sensibility, *want* to end their life it is really impossible to *will* such an end, as it would be a direct contradiction to the very nature of what having a will *is*; it is contrary to lawfulness.

This account of universality means that since universality is in the function of the will we are bound by it independent of what other rational beings actually do. Other people's agreeableness or ability to obey the law is not relevant when you are assessing a maxim; only the moral law itself is to be the standard and point of reference when evaluating a maxim, meaning that even if a majority of people rejects a moral maxim it could never serve as a ground to excuse you from the moral maxim. That others make themselves exceptions to the moral law is irrelevant when you are assessing it yourself. The value and universality of a moral maxim is not determined or changed by the number of people living up to it, nor is it changed by any other empirical consideration.

But how are we to act when facing someone that, for instance, is harming others? How does "the enduring order of things" relate to such an experience when harm in itself is not a moral bad? The answer is two-folded. Any actions that do undermine the natural order of things as argued above is not a moral action, meaning it is not binding or demanding respect from anyone; we are not obligated to let it happen. Secondly, we are actually obligated to hindering such actions. Kant writes that whatever diminishes the hindrances to an activity is a furthering of this activity itself¹⁸², meaning that hindering those that harm others *is* to promote the well-being^w of the same individuals. It is furthering the activity of being a supersensible being. Causing or avoiding causing harm, like many other acts, is not bound by an absolute rule as the moral law and duty is to be understood in reference to the function of reason, not "rules". Kant does, after all, refer to the moral law as "the test as to the form of a law of nature in general"¹⁸³, meaning the representation of laws and ends, not certain acts in themselves without reference to an end. Hindering the harming of others is however an obligation as we could never will the degradation of the function of supersensible nature. As I have argued earlier, our sensible aspect is also a constitutive part of our existence

¹⁸¹ Kant, Critique of Practical Reason, 5:44

¹⁸² Kant, Critique of Practical Reason, 5:79

¹⁸³ Kant, Critique of Practical Reason, 5:69-5:70

and so sensible considerations are a part of our function. We must take care of it within the lawfulness of the good will.

5.3 *Universality and the well-being of ourselves and others*

Even though there is a universality of the will that connects all rational beings to each other we are still not bound or obligated to each other as if we were the same person. Even though "my maxim" is normative to any rational being in virtue of being rational we are still separated in a fundamental way in virtue of our supersensible nature; as I argued in section 4.2, for Kant duties to oneself is the precondition of all other duties, even the duties of virtue to others, which I believe is best understood by the metaphysical necessitation of duty, or self-constraint. As self-constraint can only be done by a "myself" we cannot relate to others as if they, metaphysically speaking, were ourselves. Thus, since morality is an inner activity that you do by yourself we cannot have any obligations to the perfection of others as that is an obligation only they can have to themselves. Still we do have obligations to others, i.e., to their well-being^w, in virtue of the universality of maxims. We can see all this more clearly if we look into the duties to oneself first, which will also further illuminate the normative framework of a Kantian account of well-being^w.

Kant divides the duties to oneself into two main categories:

The only *objective* division of duties to oneself will, accordingly, be the division into what is **formal** and what is **material** in duties to oneself. The first of these are *limiting* (negative) duties; the second, *widening* (positive duties to oneself). Negative duties *forbid* a human being to act contrary to the **end** of his nature and so have to do merely with his moral *self-preservation*; positive duties, which *command* him to make a certain object of choice his end, concern his *perfecting* of himself. Both of them belong to virtue, either as duties of omission (*sustine et abstine*) or as duties of commission (*viribus concessis utere*), but both belong to it as duties of virtue. The first belong to the moral **health** (*ad esse*) of a human being as object of both his outer senses and his inner senses, to the *preservation* of his nature in its perfection (as *receptivity*). The second belong to his moral *prosperity* (*ad melius esse, opulentia moralis*), which consists in possessing a *capacity* sufficient for all his ends, insofar as this can be acquired; they belong to his *cultivation* (active perfecting) of himself.¹⁸⁴

Let's first look at the negative duties. The negative duties concern what is *formal*, meaning that they refer to our *internal organization*, our *function*, and so naturally concerns our

¹⁸⁴ Kant, *The Metaphysics of Morals*, 6:419

preservation both as an animal being and as a rational, moral being. Since we are supersensible beings both aspects asymmetrically intertwined constitutes us and so the preservation of both in accordance with a good will becomes a duty. These duties are then also limiting and forbidding as the normativity is grounded in us exist as something good in- and for ourselves through our function, meaning that we are limited to only do that which does not work against our internal organization that make out our existence. These duties are also known as *perfect* duties where I believe that the term "perfection" is to illustrate that they are absolute and fundamental to every supersensible being in terms of forbidding anything that goes against it. Conversely the wide and *imperfect* duties, that I will return to shortly, are duties that naturally has a much larger scope in how they are to be promoted as they are based on subjective differences, such as my own particular talents and sensible abilities. These must then leave latitude in how we can choose to approach them as individuals.

The perfect and limiting duties are duties we have to the preservation of ourselves as an *animal* being and as a *moral* being. Our duty to ourselves as an animal being is to preserve our animal nature. Actions contrary to this are a willful death (passively allowing oneself to succumb), killing oneself totally (suicide) or partially killing oneself by mutilation.¹⁸⁵ This duty is an obvious one concerning all the previous arguments of this paper. The hypothetical imperative is just capturing an aspect of the categorical imperative, our constitutive principle, and so is a part of it. Thus, completely erradicating or in any way actively diminishing our sensible abilities is a practical contradiction to our particular form of (supersensible) existence and so is a practical contradiction to our well-being^W. Death or diminished sensible abilities is a disintegration of what we are and so we could never *will* it, it is contrary to ourselves as an end in ourselves.

However, even though this is an absolute duty there are empirical considerations that somewhat complicates this. For instance, Kant asks if a person who tok his own life after being bitten by a mad dog, concerned that he could harm others by his own madness, was right or wrong in doing so.¹⁸⁶ A more familiar example we could make is to amputate an infected arm that we cannot cure before the infection spreads further into the body. The victim would then lose an arm but save his life. In this sense we can further see that Kant's moral theory is not absolute in terms of specific *acts*, only in terms of ends. Kant recognizes that there are empirical considerations that make moral life complicated but that not a threat to Kant's moral framework of duty. It is not the state of the empirical world that define moral

¹⁸⁵ Kant, The Metaphysics of Morals, 6:421

¹⁸⁶ Kant, The Metaphysics of Morals, 6:424

value but how we relate to it, the activity of our will. If the situation we are in does not leave room for us to will in a morally beneficial way for the sensible aspect of our being then this failure will not be because of our own lack of willpower. The will, even though it accomplishes nothing, "then, like a jewel, it would still shine by itself, as something that has its full worth in itself".¹⁸⁷

Regarding our duty to ourselves as a moral being, Kant writes, we have duties to that which is opposed to lying, avarice and false humility.¹⁸⁸ This duty consists in the *formal consistency of the maxims of our will*, meaning a prohibition against depriving our prerogative of a moral being, i.e. having inner freedom, and so avoid becoming a mere plaything of inclinations.¹⁸⁹ The greatest violation of a human being's duty to himself as a moral being, Kant writes, is lying, or that which is contrary to truthfulness. By lying a person is violating the dignity of his humanity. The crime is not in any harm that may occur but rather his annihilation of his dignity as a human being.¹⁹⁰ It is however not clear if Kant is referring to lying to oneself, lying to others or if he means both. Still, the first two alternatives and so subsequently the third one qualify as being incompatible with the function of the will. Lying to oneself is giving one's own preferences the authority of determination, using oneself merely as a means by doing what is preferable instead of respecting the autonomy of the will. This is however different from merely being wrong. Having (unintentionally) false knowledge or beliefs but a good will that is respecting the moral law as an end in itself is still having a good will. Similarly, by lying to others you commit the same wrong as when you are lying to yourself; you are treating a rational being merely as a means and not as an end in itself to further your own sensible interests. As I argued in section 5.2, maxims in interacting with yourself and in interacting with another rational being is, ontologically speaking, the same.

Moving on to the positive duties these duties concerns with what is *material*, meaning that it refers to making certain empirical considerations our ends. These empirical considerations, as objects of choice, must however be something that positively affects our virtue, i.e., something that has a positive effect on us in virtue of our standard of a supersensible being; on something that promotes our autocracy. After all, as a supersensible being we must concern ourselves with our efficacy in the world in which we are acting and

¹⁸⁷ Kant, Groundwork of the Metaphysics of Morals, 4:394

¹⁸⁸ Kant, The Metaphysics of Morals, 6:429

¹⁸⁹ Kant, The Metaphysics of Morals, 6:420

¹⁹⁰ Kant, The Metaphysics of Morals, 6:429

autonomously assessing. As I argued at the end of section 4.3, even though we are not holy or have empirical knowledge of the existence of any such being Kant still writes that a holyness of the will is nevertheless a practical idea that must necessarily serve as a model for finite rational beings to aim for. As we understand the world through the representation of laws we have no other choice than to promote this end at the best of our abilities until we exist no more, working towards our own perfection by mastery of our sensible aspect guided by a good will.

Now, these widening duties are also what I earlier called *imperfect* duties, where their imperfection is in the wide scope it has to provide if it is to be applicable to the subjective individual that is to perfect oneself with reference to one's own particular supersensible constitution. We have different talents, abilities, strenghts and weaknesses and so there must necessarily be a high diversity in how different people are to approach this duty. Kant also divides these duties into two kinds. The first are duties to our natural perfection while the second is to our moral perfection.

Our duty to our *natural* perfection nicely reflects earlier assessments on the hypothetical imperative. Kant writes that as human beings we have a duty to cultivate our natural powers of spirit, mind and body as means to all sorts of possible ends. This is something we owe ourselves as rational beings, that our sensible aspects ought to be able to support ends we can and should set for ourselves in the future.¹⁹¹ While our duty to ourselves as an animal being forbids certain actions and so works as a restriction our duty to our moral perfection is an encouragement to master ourselves as autocratic, moral beings. This makes it a wide and imperfect duty as the duty cannot dictate the kind or extent of the actions themselves, meaning there is latitude to choose for oneself the path for perfection.¹⁹² We must become familiar with our own talents, abilities and limitations and then autonomously choose on these empirical circumstances with the perfectioning of ourselves as autocratic, supersensible beings as the end.

Next, our duty to our *moral* perfection concerns our disposition to duty, meaning that the moral law is in itself the lone incentive and that our actions are done not only in conformity with duty but *from* duty. This duty, Kant writes, is narrow and perfect in terms of its quality but wide and imperfect in terms of its degree, meaning that as frail, unholy beings we have a duty to strive for this perfection but not expect to achieve it, making it a duty that

¹⁹¹ Kant, The Metaphysics of Morals, 6:444

¹⁹² Kant, The Metaphysics of Morals, 6:446

only consists in continual progress but never completion.¹⁹³ This echoes the earlier claims about virtue, where Kant held that virtue is mastering one's imperfection of being a rational animal that is *constantly* having the threat of sensible impulses to determine our actions and that virtue is the strength of a human being's maxims in fulfilling his duty. In its highest stage human morality cannot be anything more than virtue. Further, as Robert Louden wrote, we must beware of the danger of fooling ourselves into believing that we are acting autonomously when we really are determining our will by feelings and inclinations that only *conform* to the moral law but are not *determined* by it for its own sake. This is however a necessary risk when cultivating virtue.¹⁹⁴

These examples of duties to oneself from *The Metaphysics of Morals* reflect the examples of perfect and imperfect duties from the *Groundwork*.¹⁹⁵ There Kant firstly argues that if a person feels sick of life and wants to end it, but recognizes that such a principle of (sensible) self-love is inconsistent as a universal law of nature, then he must reject it. Secondly he argues that if I were to feel urged to borrow money and had to make a false promise to get it I also would have to recognize that such a maxim would be inconsistent with a universal law of nature. Thirdly he argues that if I were to have a talent that could be used and cultivated as a means to be useful for all sorts of means, but rather wants to live a comfortable life instead, I would recognize that such a maxim would not be a direct contradiction to a universal law of nature but that I still never could *will* such a maxim to be a universal law. The first example obviously fits with the perfect duty of self-preservation as an animal being, the second to the perfect duty of self-preservation as a moral being and the third one to the imperfect duty of our moral prosperity.

I have however yet to assess the fourth and last example from the *Groundwork* that is also argued for by Kant in the *Metaphysics*. In the *Groundwork* Kant argues that if a person who is living well were to see others that struggles with a difficult life and were to make his indifference to them a universal law of nature he would also see that this could not be so. He writes that while the human race still could subsist by such a maxim it would still be impossible to *will* such a maxim to hold as a universal law because a will that decides this would conflict with itself.¹⁹⁶ We have seen this argument before in the previous section. Korsgaard made a similar example, that if I were to choose to shoot someone I would also

¹⁹³ Kant, *The Metaphysics of Morals*, 6:446

¹⁹⁴ Louden, *Kant's Human Being*, p.15

¹⁹⁵ Kant, *Groundwork of the Metaphysics of Morals*, 4:422-4:423

¹⁹⁶ Kant, *Groundwork of the Metaphysics of Morals*, 4:423

have to will them to shoot me also. I also argued that how we ought to act when interacting with ourselves and how we are to act when interacting with others are, ontologically speaking, the same. Maxims are not normative in reference to its material, its objects of choice, but of its *form*. We cannot make ourselves or others exceptions from the law, and since we necessarily has to act in accordance with laws we are, in this way, connected and have the same ontological status regarding normativity of maxims.

In the *Metaphysics of Morals* Kant refer to this imperfect duty as duties of virtue to others.¹⁹⁷ Our duty to others is divided in two parts. The first is the maxim of love as benevolence, which is a duty that is meritorious and ment to bring human beings closer to one another. The second is the maxim of respect as limiting our own self-esteem by the dignity of humanity in another person, which is a duty that is owed and ment to keep us at a distance from one another.¹⁹⁸ It is important to note that both love and respect in these cases must not be understood as sensibly determined feelings but rather as maxims of the will. Regarding love Kant writes that we have duties of beneficence, gratitude and sympathy¹⁹⁹ while on respect we have duties against the vices of arrogance, defamation and ridicule.²⁰⁰ While these two kinds of duty can exist seperately, that you can performing the one kind but not the other and that you can assess them independent of each other, they both count as *one* type of duty, duty to others, where both are necessary to succeed in it. Should you fail in one of them then we are left with "nothingness".²⁰¹

Our duty to others are then both a maxim of attraction and of repulsion, commanding us to have a morally appropriate respect and distance to eachother as independent, responsible, moral beings while at the same time making us have a morally appropriate love as beneficence to make sure the distance is not to big, that we do not become indifferent to other rational beings that we are connected to in virtue of being rational. I believe that this duty of virtue to others fits perfectly with the previous accounts in this chapter on duty and universality. Since moral life fundamentally consists in duties to oneself we must have the appropriate distance to one another, not being paternalistic, as we don't have the authority to make decisions on the behalf of other capable rational beings. Moral life as self-legislation is to govern *ourselves* and we must respect this not only in ourselves but in others also as they are rational beings just as ourselves. Yet, since the normativity of maxims is in their form, of

¹⁹⁷ Kant, The Metaphysics of Morals, 6:448

¹⁹⁸ Kant, The Metaphysics of Morals, 6:448-6:450

¹⁹⁹ Kant, The Metaphysics of Morals, 6:452

²⁰⁰ Kant, The Metaphysics of Morals, 6:465

²⁰¹ Kant, The Metaphysics of Morals, 6:449

lawfulness itself, we are bound to one another in terms of what I am willing in regard to others have the same normative status as if I was willing it in regard to myself, or if someone else was willing it in regard to me or anyone else. Moral reasons are personal and subjective in their matter but universal in their form, being normative for every rational being. In other words, any maxim that passes the categorical imperative test, the constitutive principle of supersensible beings, are equally normative for every rational being.

In this way we could say that the well-being^W of others are normative to us in virtue of the universality of maxims, but this must then be understood with some important limitations. Within the Capabilities Approach it is postulated that we have an intrinsic value as human beings in virtue of functionings and so each person is to be considered and treated equally by this; the well-being of others becomes normative to us because of this intrinsic value. Yet, since the value-object is not primarily *achieved* well-being but rather *capabilities as real opportunities* we cannot have the same responsibility to increase the well-being of others as we have for ourselves. On the Kantian account we also cannot, as in the Capabilities Approach, have the same responsibility to the well-being^W of others as we have to ourselves, but for Kant this is because, as I just argued, moral life is characterized as self-limitation through self-legislation. The central point of well-being^W constituted by the categorical imperative is to *be* self-legislating, meaning that this is something only the individual can do for oneself. This means that, for instance, paternalism for the sake of the well-being^W of others becomes a practical contradiction; it undermines a central property of what well-being^W *is*, namely autocratic agency. Yet, as we are connected through the universality of maxims we do have an obligation to *facilitate* for the well-being^W of others, to encourage it and not be disinterested in other but never interfere by trying to take direct control on their behalf. Since the morally good maxims of others are normative to us we are obligated to respect these expressions of autocratic agency by others, and since the diminishing of any hindering of an activity is to promote that activity we are obligated to interfere when a supersensible being is being undermined. After all, seeing someone being a victim and being indifferent to it or in any other way wanting to avoid interfering cannot be willed as a universal law of nature. We are then at least *indirectly* obligated, but still obligated, to the prosperity and preservation of the well-being^W of others by our *direct* obligation to ourselves as a self-legislating rational being that is to determine our will for the sake of reason.

Summary and conclusion

In the introduction I wrote that if we are to identify a plausible reading of Kant's moral philosophy in terms of well-being^W we must met three criteria.

Firstly I had to make an account of well-being in terms of what a human life *is*, of what constitutes our very being and the lives we live. Kant's account, I have argued, is that we are functionally cognized as a supersensible nature that, in virtue of being a self-organized being, can be good or bad in-and for itself. Our rational and sensible aspects are asymmetrically intertwined, making out a single kind of existence constituted by the categorical imperative where reason render us autonomous and mastery over our sensibility render us efficacious, realizing our nature as something that can be good in-and for itself as a free being. Our well-being^W, our quality and succees in doing and being what we *are*, is constituted by this standard.

Secondly I needed to make an account of having capabilities to pursue well-being that is connected to our constitutive elements, meaning it represents having real opportunities in one's own agency that is also constitutive of what we are and so also normative to us. I argued that on the Kantian account the supersensible nature is best characterized by autocracy, meaning that to act freely and to realize our nature our maxims cannot merely have the form of universal law; we must also succeed in applying them. For the supersensible being situated in the empirical world failing to be efficacious is failing to act autonomously, meaning that the state and abilities of our sensible aspect directly affect our success as a rational being. This also means that to increase our capabilities of mind, spirit and body means an increase in our scope of possible moral maxims, increasing our autocracy and so becoming more human in virtue of promoting and securing our self-maintaining function as an end in itself. Increased autocracy is increased well-being^W.

The third and last criteria was that I had to argue for the previous two criterias within the normative foundation of Kant, showing that they are not only permissible according to his moral framework but that they are *constitutive* of what he argues to be our moral obligations. This has already been answered within the previous two paragraphs. The constitutive principle for the supersensible nature of human beings is the categorical imperative, which is *the* central moral authority in Kant's moral theory. We have a duty to act in accordance with the universal moral law, succeeding in our duty is to acting virtuously and what ultimately characterizes a morally good character, or the good human being, is the autocratic agent.

Litterature list

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